INTERNATIONAL COURT OF JUSTICE

Yearbook
2001-2002

No. 56

I.C.J. - THE HAGUE - 2002

YEARBOOK

2001-2002

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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The present volume – fifty-sixth of the series – covers the period from 1 August 2001 to 31 July 2002.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Philippe COUVREUR,
Registrar of the Court.

TABLE OF CONTENTS

Page

Introduction

I. Basic texts 1

1. Charter of the United Nations 1
2. Statute of the International Court of Justice 1

(a) Text of the Statute 1
(b) States parties to the Statute 1
(c) Amendments to the Statute 2

3. Rules of Court 2

II. Chronological survey 6

(a) Contentious 6
(b) Advisory 10

Chapter I. Organization of the Court

I. Members of the Court 12

1. Composition of the Court 12
2. Changes in the composition of the Court in 2001-2002 . 13
3. Former Presidents and Vice-Presidents and former Members of the Court 13

II. Judges *ad hoc* 17
III. Chambers 22

1. Chamber of Summary Procedure 22
2. Chambers provided for in Article 26, paragraph 1, of the Statute 23
3. Chambers formed under Article 26, paragraph 2, of the Statute 23
4. Provisions in the Rules relating to chambers 24

IV. Assessors 24
V. The Registrar 24
VI. Privileges and immunities 25

Chapter II. Biographies of judges

I. Members of the Court on 31 July 2002 26
II. Members of the Court whose term of office ended during the period under review 53
III. Judges *ad hoc* 54

Page

Chapter III. Jurisdiction of the Court
I. Jurisdiction in contentious cases 98
1. States entitled to appear before the Court 98
(a) States Members of the United Nations 98
(b) States, not members of the United Nations, parties to the Statute 102
(c) States, not parties to the Statute, to which the Court may be open 104
2. Basis of the Court's jurisdiction 105
(a) Special agreement 106
(b) Cases provided for in treaties and conventions . . 106
(c) Compulsory jurisdiction in legal disputes 107
(d) The Court itself decides any question as to its jurisdiction 108
(e) Interpretation of a judgment 108
(f) Revision of a judgment 108
II. Advisory jurisdiction 109

Chapter IV. Texts governing the jurisdiction of the Court
I. Instruments governing the relationship of organs of the United Nations and international organizations with the Court 111
1. United Nations 111
2. All specialized agencies 112
3. International Labour Organisation 113
4. Food and Agriculture Organization of the United Nations 113
5. United Nations Educational, Scientific and Cultural Organization 113
6. World Health Organization 114
7. International Bank for Reconstruction and Development, International Finance Corporation and International Development Association 114
8. International Monetary Fund 115
9. International Civil Aviation Organization 115
10. International Telecommunication Union 115
11. World Meteorological Organization 115
12. International Maritime Organization 115
13. World Intellectual Property Organization 116
14. International Fund for Agricultural Development . . 116
15. United Nations Industrial Development Organization . 116
16. International Atomic Energy Agency 116
II. Declarations recognizing as compulsory the jurisdiction of the Court 117

Page

III. Chronological list of other instruments governing the jurisdiction of the Court . . . 161

Chapter V. Functioning and practice of the Court

I. Seat . . . 182
II. Administration . . . 182
  1. The Presidency and the Committees of the Court . . . 182
  2. The Registry . . . 183
    (a) The Registrar and the Deputy-Registrar . . . 183
    (b) Departments of the Registry . . . 186
    (c) Staff Regulations for the Registry . . . 189
    (d) Privileges and immunities . . . 190
  3. Relations with the public . . . 190
    (a) Correspondence . . . 190
    (b) Access to the Court's library and archives . . . 191
    (c) Information . . . 191
III. Practice in regard to procedure . . . 193
  1. General . . . 193
    (a) Official languages . . . 193
    (b) Official communications . . . 193
    (c) Minutes . . . 193
    (d) General List . . . 194
  2. Procedure in contentious cases . . . 194
    (a) Institution of proceedings and appointment of agents 194
    (b) Written proceedings . . . 195
    (c) Oral proceedings . . . 196
    (d) Deliberations . . . 197
    (e) Judgment . . . 198
    (f) Expenses and costs . . . 198
  3. Occasional rules in contentious cases . . . 199
    (a) Provisional measures . . . 199
    (b) Joinder of proceedings . . . 199
    (c) Preliminary objections . . . 199
    (d) Counter-claims . . . 201
    (e) Intervention, presentation of information . . . 201
    (f) Default, settlement, discontinuance . . . 202
    (g) Execution, interpretation or revision of judgments . 202
    (h) Special reference to the Court . . . 203
  4. Procedure in advisory cases . . . 203
    (a) Request . . . 203
    (b) Written and oral proceedings . . . 204
    (c) Deliberations . . . 204
    (d) Advisory opinion . . . 204

Page

IV. Occasional functions entrusted to the President of the International Court of Justice 204
   1. International instruments providing for appointment of arbitrators, etc. 204
   2. Other requests for appointment of arbitrators 205
   3. Other appointments 205

Chapter VI. Work of the Court in 2001-2002

I. Cases before the Court 207
   1, 2. *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)* 207
   3. *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* 211
   4. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* 214
   5. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* . 225
   6. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)* 229
   7. *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* 239
   8. *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)* 250
   9-16. *Legality of Use of Force (Yugoslavia* v. *Belgium) (Yugoslavia* v. *Canada) (Yugoslavia* v. *France) (Yugoslavia* v. *Germany) (Yugoslavia* v. *Italy) (Yugoslavia* v. *Netherlands) (Yugoslavia* v. *Portugal) (Yugoslavia* v. *United Kingdom)* 251
   17. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* . . . 255
   18. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Yugoslavia)*. 259
   19. *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)* . . . 261
   20. *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)* 262
   21. *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* 276

Page
22. *Certain Property (Liechtenstein* v. *Germany)* 277
23. *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* 279
24. *Frontier Dispute (Benin/Niger)* 281
25. *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)* 282

II. Application of the Statute and Rules of Court 290
1. Organization of the Court 290
(*a*) Election and installation of a new Member of the Court 290
(*b*) The Presidency 290
(*c*) Non-participation of a judge in a case 291
(*d*) Judges *ad hoc* 291
(*e*) Chamber of Summary Procedure 291
(*f*) Chamber for Environmental Matters 292
2. Jurisdiction of the Court 292
(*a*) General 292
(*b*) Declaration recognizing as compulsory the jurisdiction of the Court 293
(*c*) Preliminary objections 293
3. Contentious procedure 294
(*a*) Institution of proceedings 294
(*b*) Number of pleadings and fixing or extension of time-limits 294
(*c*) Filing of pleadings 295
(*d*) Presentation of new documents 296
(*e*) Availability of pleadings to States entitled to appear before the Court 297
(*f*) Accessibility of pleadings to the public 297
(*g*) Oral proceedings 298
(*h*) Questions by judges 298
(*i*) Evidence: showing of maps and projection of transparencies 299
(*j*) Final submissions 299
(*k*) Provisional measures 299
(*l*) Counter-claims 299
(*m*) Intervention 300
(*n*) Separate and dissenting opinions and declarations . 300
(*o*) Reading of the decision of the Court 300
(i) Judgments 300
(ii) Order 301
(*p*) Revision 301

Page
III. Museum of the Court 301
IV. Visits 301
  A. Official visits of Heads of State 301
  B. Other visits 303
V. Addresses, lectures and publications on the work of the Court 303
VI. Report and representation of the Court at the General Assembly 304
VII. Applications from private persons 305
Appendix 305
  1. Action pursuant to advisory opinions of the Court . . . 305
  Legality of the threat or use of nuclear weapons 305
  2. The role and functioning of the Court 308

Chapter VII. Publications of the Court

I. General 323
  1. Series published by the International Court of Justice . 323
    (a) *Reports of Judgments, Advisory Opinions and Orders* 323
    (b) *Pleadings, Oral Arguments, Documents* 324
    (c) *Acts and Documents concerning the Organization of the Court* 324
    (d) *Yearbook* 325
    (e) *Bibliography of the International Court of Justice* . 325
  2. Dissemination of the publications of the International Court of Justice 325
  3. Publications of the Permanent Court of International Justice 326
II. Official citation of Judgments, Advisory Opinions and Orders 326
  1. Permanent Court of International Justice 326
  2. International Court of Justice 331
III. Abbreviated references to Pleadings, Oral Arguments, Documents 344
  1. Permanent Court of International Justice 344
  2. International Court of Justice 348

Chapter VIII. Finances of the Court

I. Financial regulations 357
  1. General regulations 357
    (a) Method of covering expenditure 357
    (b) Drafting of the budget 358
    (c) Financing of appropriations and accounts . . . 358

Page

2. Salaries and expenses of judges 358
   (a) Emoluments 358
   (b) Pensions 359
   (c) Conditions of service 360
   (d) Travelling expenses 361
3. Salaries, allowances and expenses of the Registrar and officials of the Registry 361
   (a) Emoluments 361
   (b) Pensions 362
   (c) Travelling expenses 362
4. Common services 362

II. Budget for the biennium 2002-2003 363
1. Ordinary expenses 363
2. Unforeseen and extraordinary expenses 363

III. Accounts for the biennium 2000-2001 364
1. Budget accounts 364
2. Audit of accounts 364

INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. BASIC TEXTS

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. Other basic texts are the Rules of Court and the Practice Directions supplementing them, as well as the resolution concerning the internal judicial practice of the Court.

1. Charter of the United Nations

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. Statute of the International Court of Justice

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

> "1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
>
> 2. A State which is not a Member of the United Nations may

become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 98-104, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, pp. 102-104, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. Rules of Court

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were first published in *I.C.J. Acts and Documents No. 4* concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court. The publication containing the 1978 Rules of Court is *I.C.J. Acts and Documents No. 5* (pp. 91-161).

On 5 December 2000 the Court adopted amendments to two Articles of its 1978 Rules: Article 79, relating to preliminary objections, and Article 80, relating to counter-claims. The amendments aimed at countering the proliferation of, and shortening, incidental proceedings, at clarifying the rules in force and at adapting them to affect more closely the practice developed by the Court. They came into force on 1 February 2001. The Rules adopted on 14 April 1978 continue to apply to all cases submitted to the Court prior to 1 February 2001, and to all phases of those cases.

The text of the Rules of Court as amended has been printed and a *Note by the Registry Indicating the Rules of Court (1978) Amended on 5 December 2000 (Background Note VII)* has been published. It is reproduced in *I.C.J. Yearbook 2000-2001* (pp. 3-4.)

In October 2001 the Court decided to adopt Practice Directions for use by the States appearing before it. These Practice Directions involve no alteration to the Rules of Court, but are additional thereto. Practice Directions VII and VIII do not affect a choice or designation made by the parties prior to 7 February 2002, the date of the adoption by the Court of those Directions. The text of the Practice Directions is reproduced below:

Practice Direction I

The Court wishes to discourage the practice of simultaneous deposit of pleadings in cases brought by Special Agreement.

The Court would expect future special agreements to contain provisions as to the number and order of pleadings, in accordance with Article 46, paragraph 1, of the Rules of Court. Such provisions shall be without prejudice to any issue in the case, including the issue of burden of proof.

If the Special Agreement contains no provisions on the number and order of pleadings, the Court will expect the parties to reach agreement to that effect, in accordance with Article 46, paragraph 2, of the Rules of Court.

Practice Direction II

Each of the parties is, in drawing up its written pleadings, to bear in mind the fact that these pleadings are intended not only to reply to the submissions and arguments of the other party, but also, and above all, to present clearly the submissions and arguments of the party which is filing the proceedings.

In the light of this, at the conclusion of the written pleadings of each party, there is to appear a short summary of its reasoning.

Practice Direction III

The Court has noticed an excessive tendency towards the proliferation and protraction of annexes to written pleadings. It strongly urges parties to append to their pleadings only strictly selected documents.

Practice Direction IV

Where one of the parties has a full or partial translation of its own pleadings or of those of the other party in the other official language of the Court, these translations should as a matter of course be passed to the Registry of the Court. The same applies to the annexes.

These translations will be examined by the Registry and communicated to the other party. The latter will also be informed of the manner in which they were prepared.

Practice Direction V

With the aim of accelerating proceedings on preliminary objections made by one party under Article 79, paragraph 1, of the Rules of Court, the time-limit for the presentation by the other party of a written statement of its observations and submissions under Article 79, paragraph 5, shall generally not exceed four months.

Practice Direction VI

Article 60, paragraph 1, of the Rules provides:

> "The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings, or merely repeat the facts and arguments these contain."

The Court requires full compliance with these provisions and observation of the requisite degree of brevity. Where objections of lack of jurisdiction or of inadmissibility are being considered, oral proceedings are to be limited to statements on the objections.

Practice Direction VII

The Court considers that it is not in the interest of the sound administration of justice that a person sit as judge *ad hoc* in one case who is also acting or has recently acted as agent, counsel or advocate in another case before the Court. Accordingly, parties, when choosing a judge *ad hoc* pursuant to Article 31 of the Statute and Article 35 of the Rules of Court, should refrain from nominating persons who are acting as agent, counsel or advocate in another case before the Court or have acted in that capacity in the three years preceding the date of the nomination. Furthermore, parties should likewise refrain from designating as agent, counsel or advocate in a case before the Court a person who sits as judge *ad hoc* in another case before the Court.

Practice Direction VIII

The Court considers that it is not in the interest of the sound administration of justice that a person who until recently was a Member of the Court, judge *ad hoc*, Registrar, Deputy-Registrar or higher official of the Court (principal legal secretary, first secretary or secretary), appear as agent, counsel or advocate in a case before the Court. Accordingly, parties should refrain from designating as agent, counsel or advocate in a case before the Court a person who in the three years preceding the date of the designation was a Member of the Court, judge *ad hoc*, Registrar, Deputy-Registrar or higher official of the Court.

Practice Direction IX

1. The parties to proceedings before the Court should refrain from submitting new documents after the closure of the written proceedings.

2. A party nevertheless desiring to submit a new document after the closure of the written proceedings shall explain why it considers it necessary to include the document in the case file and shall indicate the reasons preventing the production of the document at an earlier stage.

3. In the absence of consent of the other party, the Court will authorize the production of the new document only in exceptional circumstances, if it considers it necessary and if the production of the document at this stage of the proceedings appears justified to the Court.

4. If a new document has been added to the case file under Article 56 of the Rules of Court, the other party, when commenting upon it, shall confine the introduction of any further documents to what is strictly necessary and relevant to its comments on what is contained in this new document.

II. CHRONOLOGICAL SURVEY

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court *(Corfu Channel (United Kingdom* v. *Albania))* was submitted on 22 May 1947.

Between then and 31 July 2002 the Court has had to deal with a total of 125 cases, i.e., 102 contentious cases and 23 advisory cases, as listed below. In those cases it gave 74 judgments, of which 44 were on the merits, and 24 advisory opinions. Of the 401 orders made therein, 292 related solely to the fixing or extending of time-limits, while 368 orders related to contentious cases and 33 to advisory cases.

Title	*Dates*
(a) Contentious[1]	
Corfu Channel (United Kingdom v. *Albania)*	1947-1949
Fisheries (United Kingdom v. *Norway)*	1949-1951
Protection of French Nationals and Protected Persons in Egypt (France v. *Egypt)*	1949-1950
Asylum (Colombia/Peru)	1949-1950
Rights of Nationals of the United States of America in Morocco (France v. *United States of America)*	1950-1952
Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (Colombia v. *Peru)*	1950
Haya de la Torre (Colombia v. *Peru)*	1950-1951
Ambatielos (Greece v. *United Kingdom)*	1951-1953
Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*	1951-1952
Minquiers and Ecrehos (France/United Kingdom)	1951-1953
Nottebohm (Liechtenstein v. *Guatemala)*	1951-1955
Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*	1953-1954
Electricité de Beyrouth Company (France v. *Lebanon)*	1953-1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *Hungary)*	1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *USSR)*	1954

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[1] In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

Title	Dates
Aerial Incident of 10 March 1953 (United States of America v. *Czechoslovakia)*	1955-1956
Antarctica (United Kingdom v. *Argentina)*	1955-1956
Antarctica (United Kingdom v. *Chile)*	1955-1956
Aerial Incident of 7 October 1952 (United States of America v. *USSR)*	1955-1956
Certain Norwegian Loans (France v. *Norway)*	1955-1957
Right of Passage over Indian Territory (Portugal v. *India)*	1955-1960
Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden)*	1957-1958
Interhandel (Switzerland v. *United States of America)*	1957-1959
Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*	1957-1959
Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*	1957-1960
Aerial Incident of 27 July 1955 (United Kingdom v. *Bulgaria)*	1957-1959
Sovereignty over Certain Frontier Land (Belgium/Netherlands)	1957-1959
Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*	1958-1960
Aerial Incident of 4 September 1954 (United States of America v. *USSR)*	1958
Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*	1958-1961
Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. *Lebanon)*	1959-1960
Aerial Incident of 7 November 1954 (United States of America v. *USSR)*	1959
Temple of Preah Vihear (Cambodia v. *Thailand)*	1959-1962
South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*	1960-1966
Northern Cameroons (Cameroon v. *United Kingdom)*	1961-1963
Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*	1962-1970
North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)	1967-1969
Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*	1971-1972
Fisheries Jurisdiction (United Kingdom v. *Iceland)*	1972-1974
Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland)*	1972-1974
Nuclear Tests (Australia v. *France)*	1973-1974

Title	*Dates*
Nuclear Tests (New Zealand v. *France)*	1973-1974
Trial of Pakistani Prisoners of War (Pakistan v. *India)*	1973
Aegean Sea Continental Shelf (Greece v. *Turkey)*	1976-1978
Continental Shelf (Tunisia/Libyan Arab Jamahiriya)	1978-1982
United States Diplomatic and Consular Staff in Tehran (United States of America v. *Iran)*	1979-1981
Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) [case referred to a Chamber]	1981-1984
Continental Shelf (Libyan Arab Jamahiriya/Malta)	1982-1985
Frontier Dispute (Burkina Faso/Republic of Mali) [case referred to a Chamber]	1983-1986
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*	1984-1991
Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*	1984-1985
Border and Transborder Armed Actions (Nicaragua v. *Costa Rica)*	1986-1987
Border and Transborder Armed Actions (Nicaragua v. *Honduras)*	1986-1992
Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) [case referred to a Chamber][1]	1986-1992
Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)* [case referred to a Chamber]	1987-1989
Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*	1988-1993
Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*	1989-1996
Certain Phosphate Lands in Nauru (Nauru v. *Australia)*	1989-1993
Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*	1989-1991
Territorial Dispute (Libyan Arab Jamahiriya/Chad)	1990-1994
East Timor (Portugal v. *Australia)*	1991-1995
Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. *Senegal)*	1991-1995
Passage through the Great Belt (Finland v. *Denmark)*	1991-1992
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*	1991-2001

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[1] The intervention of Nicaragua was admitted on 13 September 1990 (see *I.C.J. Yearbook 1990-1991*, pp. 160-174).

Title	*Dates*
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)*	1992-
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United States of America)*	1992-
Oil Platforms (Islamic Republic of Iran v. *United States of America)*	1992-
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Yugoslavia)*	1993-
Gabčikovo-Nagymaros Project (Hungary/Slovakia)	1993-
Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria)*	1994-
Fisheries Jurisdiction (Spain v. *Canada)*	1995-1998
Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France) *Case*	1995
Kasikili/Sedudu Island (Botswana/Namibia)	1996-1999
Vienna Convention on Consular Relations (Paraguay v. *United States of America)*	1998
Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections *(Nigeria* v. *Cameroon: Equatorial Guinea intervening)*[1]	1998-1999
Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)	1998-
Ahmadou Sadio Diallo (Republic of Guinea v. *Democratic Republic of the Congo)*	1998-
LaGrand (Germany v. *United States of America)*	1999-2001
Legality of Use of Force (Yugoslavia v. *Belgium)*	1999-
Legality of Use of Force (Yugoslavia v. *Canada)*	1999-
Legality of Use of Force (Yugoslavia v. *France)*	1999-
Legality of Use of Force (Yugoslavia v. *Germany)*	1999-
Legality of Use of Force (Yugoslavia v. *Italy)*	1999-
Legality of Use of Force (Yugoslavia v. *Netherlands)*	1999-
Legality of Use of Force (Yugoslavia v. *Portugal)*	1999-
Legality of Use of Force (Yugoslavia v. *Spain)*	1999

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[1] The intervention of Equatorial Guinea was admitted on 21 October 1999 (see *I.C.J. Yearbook 1999-2000*, p. 218).

Title	*Dates*
Legality of Use of Force (Yugoslavia v. *United Kingdom)*	1999-
Legality of Use of Force (Yugoslavia v. *United States of America)*	1999
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Burundi)*	1999-2001
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Uganda)*	1999-
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Rwanda)*	1999-2001
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Yugoslavia)*	1999-
Aerial Incident of 10 August 1999 (Pakistan v. *India)*	1999-2000
Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. *Honduras)*	1999-
Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. *Belgium)*	2000-2002
Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*	2001-
Certain Property (Liechtenstein v. *Germany)*	2001-
Territorial and Maritime Dispute (Nicaragua v. *Colombia)*	2001-
Frontier Dispute (Benin/Niger)	2002-
Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. *Rwanda)*	2002-

(*b*) Advisory

Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)	1947-1948
Reparation for Injuries Suffered in the Service of the United Nations	1948-1949
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1949-1950
Competence of the General Assembly for the Admission of a State to the United Nations	1949-1950
International Status of South West Africa	1949-1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	1950-1951
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal	1953-1954

Title	*Dates*
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa	1954-1955
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco	1955-1956
Admissibility of Hearings of Petitioners by the Committee on South West Africa	1955-1956
Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization	1959-1960
Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)	1961-1962
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1970-1971
Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal	1972-1973
Western Sahara	1974-1975
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt	1980
Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal	1981-1982
Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal	1984-1987
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations	1989
Legality of the Use by a State of Nuclear Weapons in Armed Conflict	1993-1996
Legality of the Threat or Use of Nuclear Weapons	1994-1996
Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights	1998-1999

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. MEMBERS OF THE COURT

1. Composition of the Court[1]

The Court consists of 15 Members (Statute, Art. 3, para. 1).

On 31 July 2002 the composition of the Court was as follows:

Order of precedence		*Country*	*Date of expiry of term of office*
President	G. Guillaume	France	5 February 2009[2]
Vice-President	Shi Jiuyong	China	5 February 2003[2]
Judges	S. Oda	Japan	5 February 2003
	R. Ranjeva	Madagascar	5 February 2009
	G. Herczegh	Hungary	5 February 2003
	C.-A. Fleischhauer	Germany	5 February 2003
	A. G. Koroma	Sierra Leone	5 February 2003
	V. S. Vereshchetin	Russian Federation	5 February 2006
	R. Higgins	United Kingdom	5 February 2009
	G. Parra-Aranguren	Venezuela	5 February 2009
	P. H. Kooijmans	Netherlands	5 February 2006
	F. Rezek	Brazil	5 February 2006
	A. S. Al-Khasawneh	Jordan	5 February 2009
	T. Buergenthal	United States	5 February 2006
	N. Elaraby	Egypt	5 February 2006[3]

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

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[1] For the composition of chambers, see pp. 22-24, below.

[2] The terms of office of Judges Guillaume and Shi as President and Vice-President respectively expire in 2003.

[3] Judge Elaraby was elected to fill the vacancy caused by the resignation, effective 30 September 2001, of Judge Bedjaoui (see p. 13, below).

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, p. 103, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. Changes in the Composition of the Court in 2001-2002

Effective 30 September 2001, Judge M. Bedjaoui, who had been a Member of the Court since 19 March 1982 and its President from 1994 to 1997, resigned. On 12 October 2001, the United Nations General Assembly and Security Council elected Mr. Nabil Elaraby to fill the resulting vacancy. His term of office thus extends to 5 February 2006.

3. Former Presidents and Vice-Presidents and Former Members of the Court

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;
1949-1952, J. Basdevant and J. G. Guerrero[1];
1952-1955, Sir Arnold McNair and J. G. Guerrero[1];

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[1] While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel* (*United Kingdom* v. *Albania*); *Protection of French Nationals and Protected Persons in Egypt* (*France* v. *Egypt*); *Rights of Nationals of the United States of America in Morocco* (*France* v. *United States of America*); *Ambatielos* (*Greece* v. *United Kingdom*); *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Minquiers and Ecrehos* (*France*/*United Kingdom*); *Monetary Gold Removed from Rome in 1943* (*Italy* v. *France, United Kingdom and United States of America*).

1955-1958, G. H. Hackworth and A. H. Badawi[1];
1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;
1961-1964, B. Winiarski and R. J. Alfaro;
1964-1967, Sir Percy Spender and V. K. Wellington Koo;
1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun[2];
1973-1976, M. Lachs and F. Ammoun[2];
1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
1979-1982, Sir Humphrey Waldock[3] and T. O. Elias[4];
1982-1985, T. O. Elias[5] and J. Sette-Camara;
1985-1988, Nagendra Singh and G. Ladreit de Lacharrière[6];
1988-1991, J. M. Ruda and K. Mbaye;
1991-1994, Sir Robert Jennings[7] and S. Oda[7];
1994-1997, M. Bedjaoui and S. M. Schwebel.
1997-2000, S. M. Schwebel[8] and C. G. Weeramantry[8].

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[1] While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel (Switzerland v. United States of America), Interim Protection*, and *Aerial Incident of 27 July 1955 (United States of America v. Bulgaria)*.

[2] While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal Relating to the Jurisdiction of the ICAO Council, Nuclear Tests (Australia v. France), Interim Protection*, and *Nuclear Tests (New Zealand v. France), Interim Protection*.

[3] Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

[4] Vice-President Elias was for a time Acting President in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*.

[5] Judge Elias continued to act as President in *Continental Shelf (Libyan Arab Jamahiriya/Malta)* after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

[6] Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

[7] While he was President of the Court, Sir Robert Jennings, being a national of one of the Parties, did not, in accordance with Article 32 of the Rules of Court, preside in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*. Vice-President Oda exercised the functions of the Presidency in that case, as well as in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*. (See *I.C.J. Yearbook 1991-1992*, p. 198.)

[8] While he was President of the Court, Judge Schwebel, being a national of one of the Parties, did not, in accordance with Article 32 of the Rules of Court, preside in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), Oil Platforms (Islamic Republic of Iran v. United States of America), Vienna Convention on Consular Relations (Paraguay v. United States of America), LaGrand (Germany v. United States of America)* and *Legality of Use of Force (Yugoslavia v. United States of America)*. Although Article 32 was not applicable in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial*

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	Country	*Period of Office*
* R. Ago	Italy	1979-1995
* A. Aguilar-Mawdsley	Venezuela	1991-1995
Prince B. A. Ajibola	Nigeria	1991-1994
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976
* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
M. Bedjaoui	Algeria	1982-2001
* C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Córdova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981
A. El-Khani	Syria	1981-1985
* T. O. Elias	Nigeria	1976-1991
J. Evensen	Norway	1985-1994
* I. Fabela	Mexico	1946-1952
L. Ferrari Bravo	Italy	1995-1997
* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
A. Gros	France	1964-1984

Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United Kingdom*) and *Legality of Use of Force* (*Yugoslavia* v. *Belgium*) (*Yugoslavia* v. *Canada*) (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *Netherlands*) (*Yugoslavia* v. *Portugal*) (*Yugoslavia* v. *Spain*) (*Yugoslavia* v. *United Kingdom*), he did not think it appropriate to exercise the functions of the Presidency in those cases either. It was therefore the Vice-President, Judge Weeramantry, who, in accordance with Article 13, paragraph 1, of the Rules, exercised those functions.

* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
Sir Robert Yewdall Jennings	United Kingdom	1982-1995
* P. C. Jessup	United States	1961-1970
* E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
* F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970
* S. B. Krylov	USSR	1946-1952
* M. Lachs	Poland	1967-1993
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
K. Mbaye	Senegal	1982-1991
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
* H. Mosler	Fed. Rep. of Germany	1976-1985
* Nagendra Singh	India	1973-1988
Ni Zhengyu	China	1985-1994
* C. D. Onyeama	Nigeria	1967-1976
* L. Padilla Nervo	Mexico	1964-1973
R. S. Pathak	India	1989-1991
* S. Petrén	Sweden	1967-1976
* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
* J. M. Ruda	Argentina	1973-1991
S. M. Schwebel	United States	1981-2000
* J. Sette-Camara	Brazil	1979-1988
M. Shahabuddeen	Guyana	1988-1997
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* N. K. Tarassov	Russian Federation	1985-1995
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981

C. G. Weeramantry	Sri Lanka	1991-2000
* V. K. Wellington Koo	China	1957-1967
* B. Winiarski	Poland	1946-1967
* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961 and 1964-1973
* M. Zoričić	Yugoslavia	1946-1958

II. JUDGES *AD HOC*

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8, Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3, Practice Direction VII). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. *Albania)*. Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia/Peru), *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia* v. *Peru)* and *Haya de la Torre (Colombia* v. *Peru)*. Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. *United Kingdom)*. Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*. Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. *Guatemala)*. Mr. C. Garcia Bauer[1] was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. *France, United*

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[1] The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos, before choosing Mr. Garcia Bauer.

Kingdom and United States of America). Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (*Portugal* v. *India*). Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of Infants (*Netherlands* v. *Sweden*). Mr. J. Offerhaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (*Switzerland* v. *United States of America*). Mr. P. Carry was chosen by Switzerland.

Aerial Incident of 27 July 1955 (*Israel* v. *Bulgaria*). Mr. Justice Goitein was chosen by Israel and Mr. J. Žourek (Czechoslovakia) by Bulgaria.

Aerial Incident of 27 July 1955 (*United States of America* v. *Bulgaria*)[1]. Mr. J. Žourek (Czechoslovakia) was chosen by Bulgaria.

Arbitral Award Made by the King of Spain on 23 December 1906 (*Honduras* v. *Nicaragua*). Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguin (Colombia) by Nicaragua.

Barcelona Traction, Light and Power Company, Limited (*Belgium* v. *Spain*)[1]. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*). Sir Louis Mbanefo (Nigeria)[2] was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (*Cameroon* v. *United Kingdom*). Mr. P. Beb a Don was chosen by Cameroon.

Barcelona Traction, Light and Power Company, Limited (*New Application: 1962*) (*Belgium* v. *Spain*). Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

North Sea Continental Shelf (*Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands*). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

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[1] Case removed from the List before the Court had occasion to sit.

[2] The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Chesson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunboh A. Ademola, before choosing Sir Louis Mbanefo.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*. Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. *France)*. Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. *France)*. Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. *India)*. Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan[1].

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

Aegean Sea Continental Shelf (Greece v. *Turkey)*. Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*. Mr. C.-A. Colliard (France) was chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*. Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (case referred to a Chamber). Mr. N. Valticos

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[1] This case was removed from the List before the Court had occasion to hear argument on the question of its jurisdiction.

(Greece) was chosen by El Salvador and Mr. M. Virally (France) was chosen by Honduras. Following the death of Mr. Virally, Mr. S. Torres Bernárdez (Spain) was chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*. Mr. P. H. Fischer was chosen by Denmark.

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*. Mr. M. Aghahosseini was chosen by the Islamic Republic of Iran[1].

Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*. Mr. H. Thierry (France) was chosen by Guinea-Bissau. Following the expiry of Judge Mbaye's term of office on 5 February 1991 Senegal no longer had a judge of its nationality on the bench. It therefore chose Mr. K. Mbaye to sit as judge *ad hoc*.

Territorial Dispute (Libyan Arab Jamahiriya/Chad). Mr. J. Sette-Camara (Brazil) was chosen by the Libyan Arab Jamahiriya and Mr. G. M. Abi-Saab (Egypt) by Chad.

East Timor (Portugal v. *Australia)*. Mr. A. de Arruda Ferrer-Correia was chosen by Portugal. Following his resignation, on 14 July 1994, Mr. K. J. Skubiszewski (Poland) was chosen by Portugal. Sir Ninian Stephen was chosen by Australia.

Passage through the Great Belt (Finland v. *Denmark)*. Mr. B. Broms was chosen by Finland and Mr. P. H. Fischer by Denmark.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*. Mr. J. M. Ruda (Argentina) was chosen by Qatar. Following the death of Mr. Ruda, Mr. S. Torres Bernárdez (Spain) was chosen by Qatar. Mr. N. Valticos (Greece) was chosen by Bahrain. He resigned for health reasons as from the end of the jurisdiction and admissibility phase of the case. Bahrain subsequently chose Mr. M. Shahabuddeen (Guyana). After the resignation of Mr. Shahabuddeen, Bahrain chose Mr. Yves L. Fortier (Canada) to sit as judge *ad hoc*.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)*. Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya. Judge Higgins having recused herself, the United Kingdom chose Sir Robert Jennings to sit as judge *ad hoc*. The latter has been sitting as such in the phase of the proceedings concerning jurisdiction and admissibility.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab

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[1] Case removed from the List before the Court held occasion to hear argument on the preliminary objections raised by the United States.

Jamahiriya v. *United States of America*). Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya.

Oil Platforms (*Islamic Republic of Iran* v. *United States of America*). Mr. F. Rigaux (Belgium) was chosen by the Islamic Republic of Iran.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina* v. *Yugoslavia*). Sir Elihu Lauterpacht (United Kingdom) was chosen by Bosnia and Herzegovina. Sir Elihu Lauterpacht resigned on 22 February 2002. Mr. M. Kreća was chosen by Yugoslavia.

Gabčíkovo-Nagymaros Project (*Hungary/Slovakia*). Mr. K. J. Skubiszewski (Poland) was chosen by Slovakia.

Land and Maritime Boundary between Cameroon and Nigeria (*Cameroon* v. *Nigeria: Equatorial Guinea intervening*). Mr. K. Mbaye (Senegal) was chosen by Cameroon and Prince B. A. Ajibola by Nigeria.

Fisheries Jurisdiction (*Spain* v. *Canada*). Mr. S. Torres Bernárdez was chosen by Spain and Mr. M. Lalonde by Canada.

Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) *Case*. Sir Geoffrey Palmer was chosen by New Zealand.

Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections (*Nigeria* v. *Cameroon*). Prince B. A. Ajibola was chosen by Nigeria and Mr. K. Mbaye (Senegal) by Cameroon.

Sovereignty over Pulau Ligitan and Pulau Sipadan (*Indonesia/Malaysia*). Mr. M. Shahabuddeen (Guyana) was chosen by Indonesia. Following the resignation of Mr. Shahabuddeen, Mr. Thomas Franck (United States of America) was chosen by Indonesia. Mr. C. G. Weeramantry (Sri Lanka) was chosen by Malaysia.

Legality of Use of Force (*Yugoslavia* v. *Belgium*) (*Yugoslavia* v. *Canada*) (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *Netherlands*) (*Yugoslavia* v. *Portugal*) (*Yugoslavia* v. *Spain*) (*Yugoslavia* v. *United Kingdom*) (*Yugoslavia* v. *United States of America*). In all ten cases Yugoslavia chose Mr. M. Kreća; in the case of *Yugoslavia* v. *Belgium*, Mr. P. Duinslaeger was chosen by Belgium; in the case of *Yugoslavia* v. *Canada*, Mr. M. Lalonde was chosen by Canada; in the case of *Yugoslavia* v. *Italy*, Mr. G. Gaja was chosen by Italy and in the case of *Yugoslavia* v. *Spain*, Mr. S. Torres Bernárdez was chosen by Spain. These have been sitting as such during the examination of Yugoslavia's requests for the indication of provisional measures.

Armed Activities on the Territory of the Congo (*Democratic Republic of the Congo* v. *Burundi*) (*Democratic Republic of the Congo* v. *Uganda*) (*Democratic Republic of the Congo* v. *Rwanda*). In all three cases Mr. Joe Verhoeven (Belgium) was chosen by the Democratic Republic of the Congo; in the case of *Democratic Republic of the Congo* v. *Burundi*, Mr. J. J. A. Salmon (Belgium) was chosen by Burundi; in the case of *Democratic Republic of the Congo* v. *Uganda*, Mr. James L. Kateka (Tanzania) was chosen by Uganda; and, in the case of *Democratic Republic of the Congo* v. *Rwanda*, Mr. C. J. R. Dugard (South Africa) was chosen by Rwanda.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia* v. *Yugoslavia*). Mr. B. Vukas was chosen by Croatia and Mr. M. Kreća by Yugoslavia.

Aerial Incident of 10 August 1999 (*Pakistan* v. *India*). Mr. S. S. U. Pirzada was chosen by Pakistan and Mr. B. P. J. Reddy by India.

Arrest Warrant of 11 April 2000 (*Democratic Republic of the Congo* v. *Belgium*). Mr. Sayeman Bula-Bula was chosen by the Democratic Rebublic of the Congo and Mrs. Christine Van den Wyngaert by Belgium.

Certain Property (*Liechtenstein* v. *Germany*). Mr. Ian Brownlie (United Kingdom) was chosen by Liechtenstein. Mr. Brownlie resigned on 25 April 2002.

Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (*Nicaragua* v. *Honduras*). Mr. Giorgio Gaja was chosen by Nicaragua and Mr. Julio González Campos by Honduras.

Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections (*Yugoslavia* v. *Bosnia and Herzegovina*). Mr. Vojin Dimitrijević was chosen by Yugoslavia. Mr. Sead Hodžić was chosen by Bosnia and Herzegovina. Mr. Hodžić resigned on 9 April 2002.

Territorial and Maritime Dispute (*Nicaragua* v. *Colombia*). Mr. Yves L. Fortier was chosen by Colombia.

Armed Activities on the Territory of the Congo (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*). Mr. Jean-Pierre Mavungu Mvumbi-di-Ngoma was chosen by the Democratic Republic of the Congo and Mr. John Dugard by Rwanda.

III. CHAMBERS

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

The Chamber of Summary Procedure is at present composed as follows: President Guillaume; Vice-President Shi; Judges Herczegh, Koroma and Parra-Aranguren, members; Judges Higgins and Al-Khasawneh, substitute members.

2. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more judges, as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

In the past the Court has considered the question of the possible formation of a chamber to deal with environmental matters. On those occasions it took the view that it was not yet necessary to set up a standing special chamber, emphasizing that it was able to respond rapidly to requests for the constitution of a so-called "*ad hoc*" chamber (pursuant to Article 26, paragraph 2, of the Statute) which could deal also with any environmental case.

In view of the developments in the field of environmental law and protection which have taken place in the last few years, and considering that it should be prepared to the fullest possible extent to deal with any environmental case falling within its jurisdiction, the Court, in July 1993, deemed it appropriate to establish a seven-member Chamber for Environmental Matters to deal with such cases as parties might refer to it in accordance with Article 26 of the Statute. The Chamber, whose current mandate ends in February 2003, is composed as follows: President Guillaume; Vice-President Shi; and Judges Ranjeva, Herczegh, Rezek, Al-Khasawneh and Elaraby.

3. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

Chambers of this kind have been formed at the joint request of the parties to deal with four cases. They are listed below with an indication of the date on which the respective Chamber was constituted and the names of its members.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America): constituted on 20 January 1982; Judges Ago (*President*), Gros, Mosler, Schwebel; Judge *ad hoc* Cohen.

Frontier Dispute (Burkina Faso/Republic of Mali): constituted on 3 April 1985; Judges Bedjaoui (*President*), Lachs, Ruda; Judges *ad hoc* Luchaire, Abi-Saab.

Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)*: constituted on 2 March 1987 with the following composition – Judges Nagendra Singh (*President*), Oda, Ago, Schwebel, Sir Robert Jennings. Following the death of Judge Nagendra Singh the Court, on 20 December 1988, elected President Ruda to succeed him as member and (ex officio) President of the Chamber.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua [as from 13 September 1990] *intervening)*: constituted on 8 May 1987 with the following composition – Judges Oda, Sette-Camara, Sir Robert Jennings; Judges *ad hoc* Valticos, Virally. The Chamber elected Judge Sette-Camara to be its President. After the death of Judge Virally, Mr. Torres Bernárdez was chosen to sit as judge *ad hoc* in his place, and on 13 December 1989 the Court declared the Chamber to be composed as follows: Judges Sette-Camara (*President*), Oda, Sir Robert Jennings; Judges *ad hoc* Valticos, Torres Bernárdez. On 7 February 1991 Judges Sir Robert Jennings and Oda exchanged places in the order of precedence within the Chamber owing to their election to be, respectively, the Court's President and Vice-President.

4. *Provisions in the Rules relating to Chambers*

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. ASSESSORS

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. THE REGISTRAR

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Philippe Couvreur (see Chap. V, p. 185, below).

VI. PRIVILEGES AND IMMUNITIES

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accredited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that ". . . if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations laissez-passer issued to the judges by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 2001 to 31 July 2002 will be found below.

I. MEMBERS OF THE COURT ON 31 JULY 2002

President Gilbert GUILLAUME

(Member of the Court since 14 September 1987; re-elected as from 6 February 1991 and from 6 February 2000; President of the Court since 7 February 2000)

Born in Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from the Paris Institute of Political Studies. Diplôme d'études supérieures d'économie politique et de science économique (Diploma of Advanced Studies in Political Economy and Economic Science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maitre des Requêtes (1963), and most recently Councillor of State (1981-1996).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979); French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human

Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Member of the Court of Arbitration of the Organization for Security and Co-operation in Europe (OSCE). Designated arbitrator by the International Telecommunications Satellite Organization (INTELSAT), the International Chamber of Commerce and the International Centre for the Settlement of Investment Disputes (ICSID).

President of the French branch of the International Law Association (ILA). Member of the Institute of International Law. Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the Académie de marine. Member of the Académie de l'air et de l'espace. Member of the International Academy of Comparative Law. Member of the Scientific Board of the *Revue générale de droit international public* and of the Board of Directors of the *Annuaire français de droit international*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*. President of the Institute of Air and Space Law of Leiden University.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, Vol. 215, 1989). Author of a work on *Les grandes crises internationales et le droit* (1994).

Vice-President SHI Jiuyong

(Member of the Court since 6 February 1994; Vice-President
of the Court since 7 February 2000)

Born in Zhejiang, China, on 9 October 1926.

B.A. in Government and Public Law, St. John's University, Shanghai (1948); M.A. in International Law, Columbia University, New York, United States of America (1951); research in international law at Columbia University, New York (1951-1954).

Assistant Research Fellow in International Law, Institute of International Relations, Beijing, China (1956-1958). Senior Lecturer, Associate Professor of International Law, Foreign Affairs College, Beijing (1958-1964). Research Fellow in International Law, Institute of International Law, Beijing (1964-1973). Research Fellow in International Law, Institute of International Studies, Beijing (1973-1980). Professor of International Law, Foreign Affairs College, Beijing (1984-1993). Professor of Law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China, Beijing (1987-1988). Honorary Professor, East China University of Politics and Law, Shanghai (since 2001).

Adviser, Chinese Society of International Law, Beijing. Council member, Institute of Hong Kong Law of the Chinese Law Society, Beijing. Member, American Society of International Law. Member, Advisory Board of *The Global Community: Yearbook of International Law and Jurisprudence*.

Legal Adviser, Ministry of Foreign Affairs, People's Republic of China (1980-1993). Legal Adviser, Office of the Chinese Senior Representative, Sino-British Joint Liaison Group (on the question of Hong Kong) (1985-1993). Legal Adviser, Chinese Centre of Legal Consultancy, Beijing (1989-1993). Member, Standing Committee, Beijing Committee (1988-1993), and member, Eighth National Committee (1993), Chinese People's Political Consultative Conference.

Legal Adviser, Chinese delegation to the 1980 Annual Meeting of the Boards of Governors of the International Monetary Fund and the International Bank for Reconstruction and Development. Legal Adviser, delegation of the Ministry of Finance of the People's Republic of China for the formal visit to the International Bank for Reconstruction and Development (1980). Adviser, Chinese delegation to the thirty-fifth session of the General Assembly of the United Nations and China's Alternate Representative to the Sixth Committee at that session. Adviser, Chinese delegation to the thirty-sixth, thirty-seventh and thirty-eighth sessions of the United Nations General Assembly and China's delegate to the Sixth Committee at the same sessions (1981-1983). Delegate, Chinese delegation to the sessions of the Asian-African Legal Consultative Committee in 1981, 1985 and 1993. Legal Adviser, Chinese delegation to the talks between the Government of China and the Asian Development Bank on the question of China's membership in the Bank (1986). Legal Adviser of the Chinese side, Working Group of the Sino-British Negotiations on the question of Hong Kong (1984). Legal Adviser of the Chinese side, Sino-British Joint Liaison Group (on Hong Kong), plenary sessions (1985-1993). Delegate, Chinese delegation, legal consultations between the Ministry of Foreign Affairs of the People's Republic of China and the Department of State of the United States of America (1983 and 1984). Delegate, Chinese delegation, negotiations between the Government of the People's Republic of China and the Government of the United States of America on Mutual Promotion and Protection of Investment Agreement (1983 and 1984). Representative of the International Law Commission to the forty-fifth session of the United Nations General Assembly (1990). Expert from China, Senior Legal Experts Meetings on Review of Montevideo Programme, United

Nations Environment Programme, 5-6 July 1991 at Geneva and 5-7 September 1991 at Nairobi. Representative of the International Law Commission to the thirtieth meeting of the Asian-African Legal Consultative Conference, Cairo, 22-27 April 1991. Legal Adviser to the Chinese delegation, Disarmament Conference, November 1991 to August 1992.

Member (1987-1993), Rapporteur (1988) and Chairman (1990) of the International Law Commission.

Member, Foreign Economic and Trade Arbitration Commission, China Council for the Promotion of International Trade (1984-1988). Member of the Steering Committee on revision of the Hague Convention of 1907 on Pacific Settlement of International Disputes of the Permanent Court of Arbitration (1994-1997).

Taught general course of international law, Foreign Affairs College, Beijing (1958-1963). Taught general course of international economic law, Department of Law, Peking University (1980-1985). Taught general course of international economic law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China (1988).

Lectures on international financial institutions, National Bureau of Oceanography, the People's Republic of China (1986). Lectures on principles of international law relating to the new international economic order, Department of Law, Peking University (1988). Lectures on protection of private foreign investment (in English), the Hague Academy of International Law, Regional Programme, Beijing (1987). Lecture on the Sino-British Joint Declaration on the question of Hong Kong (in English), Graduate Institute of International Studies, Geneva (1988). Lecture on autonomy in international law and the case of the future Hong Kong Special Administrative Region (in English), International Law Seminar, United Nations Office at Geneva (1988). Lecture on "Nationality of Hong Kong Residents: Present and Future", Graduate Studies, Foreign Affairs College (1988). Lecture on certain issues relating to the legal status of the future Hong Kong Special Administrative Region, Graduate Studies, Department of Law, Peking University (1989). Lectures on international trade regulation, Foreign Service Training Programme of the Ministry of Foreign Affairs of the People's Republic of China (1985 and 1986). Lectures on problems of international economic law, Department of Law, Chinese People's University, Beijing (1987). Chairman, panel discussions on the new international economic order, Beijing Conference on the Law of the World, World Peace through Law (1990). Participant, Symposium on the International Law of Arms Control and Disarmament, held at Geneva (February 1991). Lectures on the International Law Commission, Graduate Studies, Department of Law, Peking University (March 1991). Lectures on selected topics of international economic law, Graduate Studies, Foreign Affairs College (September/October 1991). Participant in the Seminar on the Draft

Code of Crimes and International Criminal Jurisdiction, sponsored by the Foundation for the Establishment of an International Criminal Court and International Criminal Law Commission, Talloires, France (May 1991). Lectures on bilateral investment protection agreements (in English), International Law Seminar, United Nations Office at Geneva (June 1992). Participant, Symposium on Teaching, Dissemination and Research of International Law in Developing Countries, Beijing, 1992.

Author of numerous publications on international law.

Judge Shigeru Oda

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985 and from 6 February 1994; member of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, 1986-1992, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court from 1991 to 1994; Acting President in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tohoku (1962). Presently Professor Emeritus of the Tōhoku University (since 1985) and Member of the Japan Academy (since 1994). Awarded the Yale Law School Medal of Merit (1997). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Associate Professor (1953-1959) and Professor (1959-1976) at Tōhoku University. Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science Council of the Ministry of Education (1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea (1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Sea-bed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Council of the International Law Association of Japan. Associate (1969), Member (1979) and Honorary Member (2001) of the Institute of International Law (Institut de droit international). Honorary life Member of the American Society of International Law (1975). Honorary Member of the Japanese Society of International Law (1975). Honorary Member of the Indian Society of International Law. Member of the Curatorium of the Hague Academy of International Law (since 1987); Member of the Curatorium of the Institute of International Public Law and International Relations (Thessaloniki). Member of the International Council of Arbitration for Sport (since 1994). Member of the Board of the International Development Law Institute (since 1995).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). General editor for *Publications on Ocean Development* and *International Law in Japanese Perspective* of Kluwer Law International (Martinus Nijhoff).

Lecturer on the "International Law of the Resources of the Sea" and on "The International Court of Justice Viewed from the Bench (1976-1993)" at the Hague Academy of International Law (*Recueil des cours*, Vol. 127, 1969, and Vol. 244, 1993).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our Time* (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese – *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978, revised and updated edition, 1991; *The Law of the Sea*, Vol. I, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983, sixth revised ed., 1996; *Commentary on the*

United Nations Convention on the Law of the Sea, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989; and various articles on international law in English and in Japanese.

Judge Raymond RANJEVA

(Member of the Court since 6 February 1991; re-elected as from 6 February 2000)

Born in Antananarivo, Madagascar, on 31 August 1942.

Bachelor's degree in law (1965), University of Madagascar, Antananarivo. *Diplôme* from the Madagascar National School of Administration (1966). Trainee in the Judicial Division of the Conseil d'Etat, Paris (1965-1966). *Diplôme* d'études supérieures de sciences politiques, University of Paris, Faculty of Law and Economic Science (1966). *Diplôme* d'études supérieures de droit public, University of Madagascar (1967). Doctorate of Law, University of Paris II (thesis: "La succession d'organisations internationales en Afrique"). *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972).

Doctor *honoris causa* of the Universities of Limoges and Strasbourg. Laureate of the University of Madagascar, of the National Association of Doctors of Law and of the Madagascar National School of Administration.

Civil Administrator (1966). Assistant (1966-1972), Lecturer (1972) and Professor (1981-1991) at the University of Madagascar. Professor at the Madagascar Military Academy and at the Madagascar National School of Administration. Director of the Public Law and Political Science Study Centre. Dean of the Faculty of Law, Economics, Management and Social Sciences (1982-1986); reappointed in 1986. First Rector of the University of Antananarivo (1988-1990). Associate or visiting lecturer at several universities abroad: University of Aix-Marseille III, Bordeaux I, Paris I (Pantheon-Sorbonne), Paris II (Panthéon-Assas), the Institute of Advanced International Studies, La Réunion and Burundi, and the Free University of Brussels. Director of the French-speaking research seminar at the Hague Academy of International Law (1987); gave a course at the Hague Academy of International Law in 1997. Member (Ouagadougou, 1988) and President (Cotonou, 1992) of the Board of *Agrégation* Examiners of the African and Malagasy Council on Higher Education.

Conciliator at the World Bank International Centre for Settlement of Investment Disputes since 1970. Member of Malagasy delegations to several international conferences: Third United Nations Conference on the Law of the Sea, Preparatory Commission for the International Seabed Authority and the Law of the Sea Tribunal; United Nations General Assembly (1979-1990); Non-Aligned Countries (1979); Conference of States which use French (1987). Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties, Vienna (1976-1977): Member of the Malagasy delegation responsible for negotiating the revision of the co-operation agreements with France (1973): First Vice-President for Africa of the International Conference of French-Speaking Faculties of Law and Political Science (1987-1991).

Counsel to the Republic of Mali in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*. Consultant for Madagascar on the amicable settlement of the transfer to the State of the activities of Eau-Electricité de Madagascar and Electricité de France (1973) and in the case of SEDITEX INTERNATIONAL GmbH Hamburg/Republic of Madagascar.

Co-opted Member and Arbitrator of the Court of Arbitration for Sport.

Member and Vice-President of the Malagasy Academy of Sciences, Literature and Arts (1974): President of the ethics and political science section (1976-1991). Managing Director of JURECO: legal, economic and financial databank research and advisory bodies (1986-1990). Editor of the periodical *Lettre mensuelle de Jureco* (1986-1988).

Member of the Board of the French Society of International Law. Member of the Quebec Society of International Law. Member of the Governing Body of the African Society of International and Comparative Law. Member of the Scientific Council of the Agence universitaire de la Francophonie (AUPELF-UREF). Associate Member of the Institute of International Law.

Member of the National Constitutional Committee (1975). Founding Member of the Malagasy Human Rights Committee (1971). Member of the Pontifical Council for Justice and Peace. Legal adviser to the Catholic Bishops Conference, Madagascar. Secretary-General of the Malagasy Legal Studies Society.

Commandeur of the National Order of Madagascar. Chevalier of the Madagascar Order of Merit. Officer of the National Order of Mali. Six Honours.

Author of numerous books, essays, articles and of addresses at several conferences.

Judge Géza Herczegh

(Member of the Court since 10 May 1993: re-elected as from
6 February 1994)

Born in Nagykapos, on 17 October 1928.

Educated at French Grammar School in Gödöllö, Hungary.

Bachelor's degree in law, University of Szeged (1951): Candidate in Jurisprudence (Ph.D.) (1965): Doctor *honoris causa* at the Law Faculty of the University of Marburg, Germany (1990) and of the University of Pécs, Hungary (2000): Corresponding Member (1985), and Member of the Hungarian Academy of Sciences (1990): Vice-President of the Department of Legal and Economic Sciences of the Hungarian Academy of Sciences (1990-1993).

Research Fellow in public international law at the Institute of Political Sciences, Budapest (1951-1967); studies as Senior Fellow at various institutes, for example in Paris (1966), Salzburg (1970); Professor of Law, Head of the International Law Department of the Law Faculty of the University of Pécs (1967-1990); Dean of the Law Faculty of the University of Pécs (1981-1987); lectured in international humanitarian law at several universities (e.g., Bayreuth, Bratislava, Cambridge, Cracow, Exeter, Graz, Marburg, Moscow, Osijek, Novi Sad, Vienna) (1970-1985); lecturer in seminars for the implementation and dissemination of international humanitarian law, Warsaw (1985), Vegimont (1989).

Judge and Vice-President of the Constitutional Court of the Republic of Hungary (1990-1993).

Represented the Hungarian Red Cross Society as expert on international humanitarian law at the conferences of The Hague (1971), Vienna (1972), Tehran (1973), Monaco (1984); governmental expert on international humanitarian law at the conferences of Geneva (1971 and 1972); member of the Hungarian delegation at the Diplomatic Conference of Geneva on the protection of victims of armed conflicts (1974-1977); served as Vice-President of the Third Commission of the same Conference; member of the Hungarian delegation at the Unesco Conference in Sophia (1985); Rapporteur at the Third Conference on Parliamentary Democracy organized by the Council of Europe on the topic "Problems of Transition from an Authoritarian or Totalitarian Regime to a Genuinely Democratic System", Strasbourg, (1991); member of the expert working group ("Badinter Group") preparing the draft convention on peaceful settlement of disputes within the framework of the Conference on Security and Co-operation in Europe, Paris (1992).

Author of the following works: *The Colonial Question and International Law* (in Hungarian), 1962; *General Principles of Law and the International Legal Order*, Series in Foreign Languages, 1969; *Development of International Humanitarian Law*, 1984; *Foreign Policy of Hungary, 896-1919* (in Hungarian), 1987; *From the Attentat of Sarajevo to the Potsdam Conference* (in Hungarian), 1999; and of numerous articles in international law and relations, especially in international humanitarian law and on the rights of minorities.

Judge Carl-August FLEISCHHAUER

(Member of the Court since 6 February 1994)

Born in Düsseldorf, Germany, on 9 December 1930.

Studied at the Universities of Heidelberg, Grenoble and Paris. First State Examination (Law), Heidelberg (1954). Fulbright Scholar, University of Chicago Law School (1954-1955). Junior Barrister Düsseldorf/Heidelberg (1955-1959). Dr. jur., Heidelberg. Second State Examination (Law), Stuttgart (1960). Hague Academy of International Law (1960).

Research Fellow at the Max-Planck Institute for Comparative Public Law and International Law, Heidelberg (1960-1962).

Entered the foreign service of the Federal Republic of Germany in 1962. Foreign assignments to Tehran (1962-1963) and Montevideo (1969-1971). Official (1964-1969), Deputy Head (1971) and Head (1972), International Law Section, Legal Department, Federal Foreign Office. Principal Legal Adviser to the Federal Foreign Office and Director-General of the Legal Department (1976-1983).

Member of the Committee of Experts on Human Rights, Council of Europe, Strasbourg (1964-1967). Member of the delegation of the Federal Republic of Germany to the United Nations Conference on the Law of Treaties, Vienna (1968-1969). Observed Sixth Committee during parts of the twenty-third and twenty-fourth sessions of the General Assembly for the then Observer Mission of the Federal Republic of Germany (1968 and 1969). Member of the delegation of the Federal Republic of Germany to the United Nations General Assembly (twenty-eighth to thirty-third sessions as Adviser and Special Adviser, thirty-fourth to thirty-seventh sessions as Alternate Representative) (1973-1982). Alternate Representative and Representative of the Federal Republic of Germany in the Sixth Committee. Representative of the Federal Republic of Germany (1978-1979), on the *Ad Hoc* Committee of the Sixth Committee on the elaboration of the International Convention against the Taking of Hostages. Member of the delegation of the Federal Republic of Germany to the CSCE (Geneva Phase, Helsinki Final Phase) (1974-1975). Member (Vice-Chairman) of the delegation of the Federal Republic of Germany to the Diplomatic Conference on Humanitarian Law applicable in Armed Conflicts, Geneva (1974-1977). Head of the delegation of the Federal Republic of Germany to the United Nations Conference on State Succession in relation to Treaties, Vienna (1977-1978). Member (from 1977 Vice-Chairman) of the delegation of the Federal Republic of Germany to the Third United Nations Conference on the Law of the Sea (1974-1982). Has participated in numerous bilateral meetings and negotiations.

Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations (1983-1994).

Was actively engaged, on the side of the Federal Republic of Germany, in the following cases before the Court: *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (1967-1969); and *Fisheries Jurisdiction (Federal Republic of Germany v. Iceland)* (1972-1974). Was actively engaged, on the side of the United Nations, in the advisory cases on the: *Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal* (1984-1987); *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*

(1988); and *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (1989).

Honorary member of the Indian Society of International Law (since 1985). Member of the German Society of International Law and, since 1977, of the Council of the Society. Member of the American Society of International Law. Member of the Curatorium of the Max-Planck Institute for International and Foreign Public Law, Heidelberg (since 1975). Member of the Heidelberg Society for International and Foreign Public Law. Member of the Société française pour le droit international.

Awarded the German Cross of Merit, First Class, and several foreign decorations (all before 1983).

Author of numerous publications on international law.

Judge Abdul G. KOROMA

(Member of the Court since 6 February 1994)

Born in Freetown, Sierra Leone.

LL.M. (Honours), Kiev State University; Master of Philosophy (International Law), King's College, University of London; Hon. LL.D., University of Sierra Leone; Barrister-at-Law, Honorary Bencher, Honourable Society of Lincoln's Inn, London.

Joined the Government service of Sierra Leone in 1964 and the Ministry of Foreign Affairs in 1969. As a Barrister and Legal Practitioner of the High Court of Sierra Leone, was appointed State Counsel and Special Adviser to the Attorney-General and Minister of Justice. Served as Legal Adviser to the Permanent Mission of Sierra Leone to the United Nations. Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the United Nations, New York, while concurrently accredited as High Commissioner of Sierra Leone to Jamaica and Trinidad and Tobago, and Ambassador to the Republic of Korea (Seoul) and Cuba (1981-1985). Served as Ambassador Extraordinary and Plenipotentiary to Belgium, France, Luxembourg and the Netherlands while concurrently accredited to the European Communities and to the United Nations Educational, Scientific and Cultural Organization (Unesco) (1985-1988). Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the Organization of African Unity (OAU) with concurrent accreditation to Ethiopia, Kenya, the United Republic of Tanzania and Zambia (1988-1992).

As delegate to the General Assembly, served on the Sixth Committee (Legal) from 1977 to 1994 and was elected Chairman. Also served as delegate of Sierra Leone to the following United Nations bodies: the Special Committee on the Review of the Charter and on the Strengthening of the Role of the Organization; the United Nations Commission on International Trade Law (UNCITRAL); the United Nations Committee on the Peaceful Uses of Outer Space; the United Nations Programme of

Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; served as Chairman of the United Nations Special Committee on the granting of independence to colonial countries and peoples (Committee of 24); headed various United Nations missions on the observance of the exercise of the right of self-determination in various non-self-governing territories.

Represented Sierra Leone at many plenipotentiary conferences, including the United Nations Conference on the Succession of States in respect of Property, Debts and Archives, and was a signatory of the Convention; the Third United Nations Conference on the Law of the Sea (UNCLOS III) and Chairman of the African Group at the Conference. In that capacity, was closely associated with the elaboration of some of the key provisions of the resulting Convention. Was a signatory of the Convention.

Played an active role in and contributed to the elaboration of various contemporary legal instruments. Member of the International Law Commission (January 1982-1994), and Chairman of the Commission during its forty-third session (1991). Former Chairman of the Committee mandated to elaborate a Draft Statute for an International Criminal Court. As a member of the International Law Commission, was an active participant and contributor to the codification and progressive development of such important international legal instruments as the Draft Code of Crimes against Peace and Security of Mankind; Relations between States and International Organizations; the Jurisdictional Immunities of States and their Property; the Law of State Responsibility; the proposed Statute of an International Criminal Court; and the Law of the Non-Navigational Uses of International Watercourses; the draft articles on most-favoured-nation clauses; the articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and of the optional protocols thereto.

Contributions to other major areas of international law, including the law of self-determination, human rights law, international humanitarian law, and the peaceful settlement of disputes; has written and lectured on these subjects. Served as expert consultant to the International Committee of the Red Cross (ICRC) at Geneva on the implementation of and respect for international humanitarian law. Has delivered lectures on all of these topics in many countries, including Cameroon, Canada, China, Ethiopia, Germany, Greece, India, Japan, Malta, Norway, Sweden, the United Republic of Tanzania and the United States of America.

Participated in conferences, symposiums and seminars on international law, including those held by the International Ocean Institute (Malta and Halifax, Nova Scotia); the International Law Institute (Hawaii); the International Criminal Jurisdiction (Talloires); the International Institute of Higher Studies in Criminal Sciences; Centre for International Studies, New York University School of Law; the Asian-African Legal Consultative Committee. Also served as external examiner in international law for Ph.D. candidates at the University of Dalhousie, Halifax, Nova Scotia, Canada.

Member of the American Society of International Law; Member, Planning Council of the International Ocean Institute (Halifax and Malta); Member and Vice-President of the African Association of International and Comparative Law; Vice-President of the African Society of International and Comparative Law; President, Henri Dunant Centre for Humanitarian Dialogue (Geneva); Member of the Board, University of Pretoria (South Africa).

The Order of Commander of Rokel was awarded by the Government of Sierra Leone for outstanding professional service (1991).

Author of a thesis on the *Settlement of Territorial and Boundary Disputes in Africa* (University of London). Among articles published: "Humanitarian Intervention and Contemporary International Law", *Swiss Review of International and European Law*, No. 4 (1995); "The Peaceful Settlement of International Disputes", *Netherlands International Review*, Vol. XLIII, 1996/7; "50th Anniversary of the Universal Declaration of Human Rights: Human Rights and International Humanitarian Law", *International Review of the Red Cross*, 1998; "The Influence of the Universal Declaration of Human Rights in Africa — Fifty Years after Its Adoption — A Legal Perspective", *Africa Legal Aid Quarterly*, 1998; "International Justice in Relation to the International Court of Justice", *Thesaurus Acroasium*, Vol. XXVI, Thessaloniki; "Implementation of the Law of the Sea Convention through Its Institutions: An Overview", in D. Vidas and W. Østreng (eds.), *Order for the Oceans at the Turn of the Century*; "The Humanitarian Consequences of Small Arms Proliferation", Paper delivered under the auspices of the Henry Dunant Centre for Humanitarian Dialogue; "The Future of the Common Heritage of Mankind", *1982 Convention on the Law of the Sea*, published by the Law of the Sea Institute, University of Hawaii, Honolulu; "Provisional Measures in Disputes between African States before the International Court of Justice", in *The International Legal System in Quest of Equity and Universality, Liber Amicorum Georges Abi-Saab*, ed. by Laurence Boisson de Chazournes and Vera Gowlland-Debbas, 2001; "Social Justice and the Role of an International Judge", Paper delivered at the Colloquium on Social Justice and International Law in Honour of Professor Georges Abi-Saab, 2001; Book Review on *Human Rights in Africa Series*, ed. Professor Christof Heyns, *Leiden Journal of International Law*, 2001; "Africa's Place in the International Justice System", Paper delivered at the 643rd Wilton Park Conference: Justice in Africa, 2001; "Refugees: A Continuing Challenge", Paper delivered at the 25th Round Table on Current Problems of International Humanitarian Law, International Institute of Humanitarian Law, San Remo, 2001; "The Protection of Civilian Populations in Non-International Armed Conflicts", Paper delivered at the Third Meeting of Experts, International Institute of Humanitarian Law, Stockholm, 2001 (forthcoming).

Judge Vladlen Stepanovich VERESHCHETIN

(Member of the Court since 26 January 1995; re-elected as from 6 February 1997)

Born in Briansk, Russian Federation, on 8 January 1932.

Graduated (with honours) from the International Law Faculty of the Moscow Institute of International Relations (1954). Post-graduate studies in international law at the same Institute (1955-1958). Candidate of Juridical Sciences (1959). Doctor of Juridical Sciences (1976). Professor of International Law (1982). Maître émérite des Sciences of the Russian Federation (1995).

Staff member of the Presidium of the USSR Academy of Sciences (1958-1967). First Vice-Chairman and Legal Counsel, Intercosmos, USSR Academy of Sciences (1967-1981). Deputy Director and Head of the International Law Department of the Institute of State and Law, Russian Academy of Sciences, Moscow (1981-1995).

Member of the United Nations International Law Commission (1992-1995); Chairman of the Commission (1994). Member of the USSR delegations to the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Sub-committee (1979-1990).

Member of the Permanent Court of Arbitration (1984-1995).

Has given lecture courses and individual lectures on the theory of international law, the peaceful settlement of international disputes, the law of the sea, the law of outer space and the law of international organizations at the Institute of International Relations, the Diplomatic Academy and the University of Friendship of Peoples (Moscow), the Juridical Institute (Ekaterinburg), the Institute of International Public Law and International Relations (Thessaloniki), the European University Institute (Florence), the Universities of Cleveland, Akron and Mississippi, the Institute of International Private and Public Law (The Hague) and the University of Dundee. Has presented papers on different international law subjects at many national and international congresses and conferences.

Vice-President of the Russian (formerly Soviet) Association of International Law (1985-1997). Chairman of the Scientific Council on International and Comparative Law at the Institute of State and Law, Russian Academy of Sciences (1981-1995). Vice-President of the Russian (formerly Soviet) United Nations Association (1984-1997). Vice-President (1978-1995), Honorary Director of the International Institute of Space Law. Member of the Policy and Finance Committee of the International Law Association (1990-2002). Member, Board of Directors of the International Institute of Air and Space Law, Leiden University (since 1995). Member (since 1977), Trustee (1985-1996) of the International Academy of Astronautics.

Member of the editorial and advisory boards of the *Russian Law Journal* and the *Journal of Space Law* (United States).

Orders and awards: "Badge of Honour" (1967), "Friendship of

Peoples" (1975), "October Revolution" (1981). Honorary Awards of the German Academy of Sciences at Berlin (1978), the Bulgarian Academy of Sciences (1979), the International Academy of Astronautics (1987, 1994), the International Institute of Space Law (1995), the Russian Association of International Law (1995).

Author of more than 150 works and articles on international law published in Russia and abroad, including seven-volume *Course of International Law*, Moscow, 1989-1993 (Deputy Editor-in-Chief of the course and co-author).

Judge Rosalyn Higgins

(Member of the Court since 12 July 1995; re-elected as from 6 February 2000)

Born in London on 2 June 1937.

Dame Commander of the British Empire (1995).

Fellow of the British Academy, Fellow of the American Academy of Arts and Sciences.

B.A. (Cantab.) 1st Class (1959), LL.B. (Cantab.) 1st Class (1962); J.S.D. (Yale) (1962); M.A. (Cantab.) (1962); Honorary Doctorates of the Universities of Paris XI (1980), Dundee (1992), Durham and the London School of Economics (1995), Cambridge, Kent, Essex, Sussex, Greenwich and London City University (1996), Birmingham, Leicester, Glasgow (1997), Nottingham (1999), Bath, Paris II (2001) and Oxford (2002). Awarded the Yale Law School Medal of Merit (1997) and the Manley O. Hudson Medal (1998).

Minor Scholar, Girton College, Cambridge (1957); Major Scholar, Girton College, Cambridge (1958); Campbell Scholarship for Professional Studies (1957); Montefiore Award for academic and general distinction (1958); Bryce-Tebbs Scholar, Cambridge (1958); Commonwealth Fund (Harkness) Fellowship (1959-1961); Graduate Fellow, Yale Law School (1959-1961).

United Kingdom Interne, Office of Legal Affairs, United Nations (1958); Visiting Fellow, Brookings Institution, Washington, DC (1960); Junior Fellow in international studies, London School of Economics (1961-1963); Staff specialist in international law, Royal Institute of International Affairs (1963-1974); Visiting Fellow, London School of Economics (1974-1978); Professor of International Law, University of Kent at Canterbury (1978-1981); Professor of International Law, University of London (1981-1995).

Queen's Counsel (1986), Bencher of the Inner Temple (1989).

Queen's Counsel and Bencher of the Inner Temple, practising in public international law and petroleum law. Practice in the English courts and before various international tribunals, including the International Court of Justice, the European Court of Human Rights and the Court of the European Communities.

Counsel for the International Tin Council in a series of cases in the United Kingdom.

Counsel in the following cases in the International Court of Justice: *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; *East Timor (Portugal v. Australia)*; *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*; *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*.

President, Tribunal of the International Centre for Settlement of Investment Disputes (*Amco v. Indonesia*).

Member of the Committee on Human Rights under the International Covenant on Civil and Political Rights (1984-1995); Special Rapporteur for new cases (1989-1991).

Associé of the Institut de droit international (1987), Member (1991); Chairman, Public International Law Advisory Board, British Institute for International and Comparative Law (since 1992); Hon. Vice-President of the American Society of International Law (1993).

Rockefeller Foundation Fellowship (1961); British Academy Award (1977-1978); Volumes I and II of *United Nations Peacekeeping* received the 1971 Certificate of Merit of the American Society of International Law; *Problems and Process* received the 1995 Certificate of Merit of the American Society of International Law; Wolfgang Friedman Medal for services to International Law, Columbia University (1985); Harold Weil Medal, New York University (1995); Ordre des Palmes Académiques (1988); Honorary Life Membership Award, American Society of International Law (1992).

Past member of the Board of Editors of the *American Journal of International Law* and the *Journal of Energy and Natural Resources Law*. Member of the Board of Editors of the *British Year Book of International Law*.

Delivered general course on international law at the Hague Academy of International Law (1991).

Author of *The Development of International Law through the Political Organs of the United Nations*, 1963; *Conflict of Interests: International Law in a Divided World*, 1965; *The Administration of the United Kingdom Foreign Policy through the United Nations*, 1966; *UN Peacekeeping: Documents and Commentary*, Vol. I, *Middle East*, 1969, Vol. II, *Asia*, 1970, Vol. III, *Africa*, 1980, Vol. IV, *Europe*, 1981; *Law in Movement — Essays in Memory of John McMahon* (joint editor with James Fawcett), 1974; "The Taking of Property by the State: Recent Developments in International Law", *Recueil des cours*, Hague Academy of International Law, Vol. 176, 1982; *Liberté de circulation des personnes en droit international* (joint editor with Maurice Flory), 1988; "International Law and the Avoidance, Containment and Resolution of Disputes (General Course on Public International Law)", *Recueil des cours*, Vol. 230, 1991; *Problems and Process: International Law and How We Use It*, 1994; and of various works and articles on international legal theory, United

Nations law, the use of force, State and diplomatic immunities, human rights and international petroleum law.

Judge Gonzalo PARRA-ARANGUREN

(Member of the Court since 28 February 1996; re-elected as from 6 February 2000)

Born in Caracas, Venezuela, on 5 December 1928.

Degree in juridical and political sciences (*summa cum laude*) at the Central University of Venezuela (1950); postgraduate course in comparative law and jurisprudence (LL.M.) at the Inter-American Law Institute, New York University (1951-1952); Doctor of Law (*"doktor iuris"*) (*cum laude*) at the Ludwig-Maximileans University, Munich (1955).

Professor at the Central University of Venezuela, Caracas, teaching private international law (1956-1996); has taught that same course at Andrés Bello Catholic University in Caracas (1957-1996).

Judge in the Second Course of First Instance (commercial matters), Federal District and State of Miranda, Caracas (1958-1971); first associate judge (1988-1992) in the Chamber of Cassation (civil, commercial and labour matters) of the Supreme Court of Justice; alternate judge of the same Chamber (1992-1996). Has acted as arbitrator, both in Venezuela and abroad, in the latter case regarding international commercial matters of a private nature; on several occasions has testified in foreign courts as an expert on Venezuelan law.

Member of the commission of enquiry appointed in 1985 by the Governing Body of the International Labour Office to consider the implementation by the Federal Republic of Germany of the ILO Discrimination (Employment and Occupation) Convention (1958, No. 111); the report was submitted in 1986, but he did not endorse its recommendations.

Member of the Permanent Court of Arbitration (since 1985).

Member of the legislative committees that drafted the section on Venezuelan nationality in connection with the Constitution that was approved in 1961; the draft law on private international law (1963) and its subsequent revision in 1965 that was essentially reproduced in the Venezuelan Private International Law Act (1998); and the revised draft sections of the Code of Commerce dealing with credit instruments and bankruptcy respectively (1963-1965). The Venezuelan Supreme Court of Justice published in 2001 in his homage a compilation of the *travaux préparatoires* and the consideration by Congress of the 1998 Private International Law Act as well as a selection of explanatory commentaries and relevant decisions applying to it.

Member of the legal advisory committee of the Ministry of Foreign Affairs (1984-1996) and of the legal advisory council of the National Congress (1990-1996).

Member of the Institut de droit international (elected in 1979).

Member of the Academy of Political and Social Sciences of Caracas (since 1966) and its President (1993-1995). Corresponding Member of the Uruguayan International Law Association (1978); Corresponding Member of the Argentine International Law Association (1981); Corresponding Member of the National Academy of Law and Social Sciences of Córdoba, Argentine Republic (1982); Honorary Fellow of the Royal Academy of Jurisprudence and Legislation of Granada, Spain (1994); Corresponding Member of the Mexican Academy of Jurisprudence and Legislation corresponding to that of Spain (1994); Honorary Fellow of the Royal Academy of Jurisprudence and Legislation, Madrid (1994); Member of the "Deutsche Gesellschaft für Völkerrecht" (1998).

Member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) (1982-1993); elected again in 1996 for one year. Honorary Member of the same Council since 1993.

Former Member of the editorial board of the *Revista del Colegio de Abogados del Distrito Federal*, Caracas, and of the editorial board of the *Revista de la Facultad de Derecho de la Universidad Católica Andrés Bello*, Caracas (from its establishment until 1996). Correspondent for the *Netherlands International Law Review* (since 1987).

Taught the General Course on Private International Law at the Hague Academy of International Law (1988), and has given lectures in various countries: in Curaçao, at the commemoration of the centenary of the Introduction of the Civil Code and the Installation of the High Court of Justice (1969); at the course on international law (Rio de Janeiro, 1978, 1979, 1982, 1988, 1992 and 1997), organized by the Inter-American Juridical Committee and the Brazilian Foundation "Getulio Vargas"; at the Hague Academy of International Law, on "Recent Developments of Conflict of Laws Conventions in Latin America" (1979); at the "Journeys of International Law" (Salamanca, November 1992); at the seminar on "Principles for the International Commercial Contracts", prepared by the International Institute for the Unification of Private Law (UNIDROIT) (Rome, December 1993); at the working meeting on the "Reviews and Books for the Unification of the Latin-American Juridical System" (Rome, December 1993); at the Eighth World Conference of the International Society of Family Law (Cardiff, June 1994); at the Congress on Children on the Move, organized by the Dutch committee of the International Year of the Family in collaboration with the Hague Conference on Private International Law (The Hague, October 1994); at the seminar on "Adoption, an Act of Love", organized by the Colombian Institute for Family Welfare (Bogotá, June 1995); at the Symposium "Il nuovo Diritto Internazionale Privato Italiano", University of Padua (1996); at the Symposium "Globalization of Child Law: The Role of the Hague Convention" (The Hague, September 1997); and at the "Civil Law Congress", organized by the Bar Association of Puerto Rico (1998).

Co-Chairman of the Committee on Private International Law, during the Sixteenth Session of the Inter-American Lawyers Federation (Caracas, 1969). Reporter at the "First Latin-American Journeys of International Law", at the Andres Bello Catholic University (Caracas, 1979); at the Twelfth Congress of the Hispano-Luso Institute of International Law (Merida, Venezuela, 1980); at the International Seminar on Adoption (Caracas, 1996); and at the Inter-American Congress "Towards a New Regulation of the International Contracts" (Valencia, Venezuela, 1996).

Representative for Venezuela at the International Association of Legal Science and the German Society for Comparative Law (Treveris, Federal Republic of Germany, 1961); and at the third meeting of the Joint Venezuelan-Spanish Commission (Madrid, 1974).

Representative for Venezuela at the first Inter-American Specialized Conference on Private International Law (CIDIP-I, Panama, 1975), being Vice-Chairman of the Second Committee; at the second such Conference (CIDIP-II, Montevideo, 1979), being Chairman of the Second Committee; at the third and fourth such Conferences (held, respectively, CIDIP-III in La Paz, Bolivia, 1984, and CIDIP-IV in Montevideo, 1989), being Chairman of the Second Committee, and at the fifth such Conference (CIDIP-V, Mexico City, 1994), being Chairman of the First Committee.

Member of the Committees of Experts that met in Washington, D.C., in 1980 in preparation for the Third Inter-American Specialized Conference on Private International Law (CIDIP-III); in Tucson, Arizona, 1993, in preparation for the Fifth Inter-American Specialized Conference on Private International Law (CIDIP-V); and in Washington, D.C. (1995, 1996) to prepare the Inter-American Convention against Corruption.

Representative of Venezuela at the Hague Conference on Private International Law: thirteenth session (1976-1977), fourteenth session (1980); fifteenth session (1984); special session (1985); sixteenth session (1988); and the seventeenth session (1993); Member of the special working group and Special Commission (April and October 1994, respectively) to study the application of the Convention of 1993 to minors who are refugees, and of the Special Commission (second meeting, June 1995) on the Protection of Minors and Incompetent Adults and of the Special Commission on maintenance obligations (November 1995). Elected one of the five Vice-Chairmen at the fifteenth and sixteenth sessions.

Rapporteur of the Special Commission of the seventeenth session of the Hague Conference on Private International Law and, in pursuance of these functions, prepared the preliminary report (1992) and the explanatory report on the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption on 29 May 1993.

Author of the following books: *Die Regel "Locus Regit Actum" und die Formen der Testamente*, 1955; *La Nacionalidad Venezolana Originaria*, Vols. I and II, 1964; *La Constitución de 1830 y los Venezolanos por Naturalización*, 1969; *Codificación del Derecho Internacional Privado en América*, Vol. I, 1982, Vol. II, 1998; *La Nacionalidad Venezolana: I. Antecedentes Históricos*, 1983; *La Influencia del Matrimonio sobre la Nacionalidad de la Mujer en la*

Legislación Venezolana, 1983; *La Nacionalidad Venezolana: II. Problemas Actuales*, 1983; *Monografías Selectas de Derecho Internacional Privado*, 1984; *Ensayos de Derecho Procesal Civil Internacional*, 1986; *Curso General de Derecho Internacional Privado* (*Problemas Selectos*), 1991; *Curso General de Derecho Internacional Privado. Problemas Selectos y Otros Estudios*, 1992; *Curso General de Derecho Internacional Privado. Problemas selectos y Otros Estudios*, Tercera Edición Revisada, 1998; *Estudios de Derecho Procesal Civil Internacional*, 1998; *Escritos Diversos de Derecho Internacional Privado*, 1998; *Estudios de Derecho Mercantil Internacional*, 1998.

Has published numerous articles on the law of nationality, private international law and international civil procedural law in Venezuelan and foreign journals.

Judge Pieter Hendrik KOOIJMANS

(Member of the Court since 6 February 1997)

Born at Heemstede, Netherlands, on 6 July 1933.

Econ. B. (1955), LL.M. (with honours) (1957), Dr. Iuris, Free University, Amsterdam (with honours) (1964).

Professor of Public International Law and European Law, Free University, Amsterdam (1965-1973); Professor of Public International Law, University of Leiden (1977-1992, 1995-1997).

State Secretary for Foreign Affairs of the Netherlands (1973-1977). Minister for Foreign Affairs of the Netherlands (1993-1994).

Member of the Netherlands delegation to the General Assembly of the United Nations (1967, Sixth Committee), Vice-Chairman (1973-1977), Chairman (1993). Head of the Netherlands delegation to various sessions of the Third United Nations Conference on the Law of the Sea (1974-1977), to the First Review Conference of the Non-Proliferation Treaty (1975), to the Geneva Diplomatic Conference on humanitarian law in armed conflict (1975) and to the United Nations Conference on *Apartheid* (1977). Head of the Netherlands delegation to the United Nations Commission on Human Rights (1982-1985, 1992).

Chairman of the United Nations Commission on Human Rights (1984-1985). Special Rapporteur of the United Nations Commission on Human Rights on Questions relevant to Torture (1985-1992).

Member of various United Nations and Conference on Security and Co-operation in Europe (CSCE) missions to the former Yugoslavia (1991-1992).

Member of the Group of International Advisors of the International Committee of the Red Cross.

Member and former Chairman of the Netherlands Branch of the International Law Association. Member of the Institut de droit international.

Former positions: Member of the Permanent Court of Arbitration.

Chairman of the Supervisory Board of the Netherlands Research Center for African Studies. Vice-President of the European Cultural Foundation. Chairman of the Board of the Carnegie Foundation. Chairman of the Administrative Council of the Hague Academy of International Law. Chairman of the Board of the Netherlands Disaster Relief Agency. Chairman of the Supervisory Board of the Netherlands Refugee Foundation. Chairman of the Netherlands Foundation for support to the democratic institutions of the new South Africa. Vice-Chairman of the Dutch Evangelical Party (merged in 1980 with two other parties into the Christian Democratic Party). Chairman of the Foreign Affairs Committee of the Christian Democratic Party. Member of the Steering Committee of the International Crisis Group. Member of the Advisory Committee on Questions of International Law (Dutch Ministry of Foreign Affairs). Member of the Advisory Council on Questions of Peace and Security (Dutch Ministries of Foreign Affairs and Defence). Member of the Board of Editors of the *Netherlands International Law Review*. Chairman of the Board of the Institute of Social Studies (postgraduate school on questions of development). Chairman of the Board of the Netherlands Institute of Peace-related Issues. Vice-Chairman of the Advisory Commission on Questions of Aliens (quasi-judicial body, Dutch Ministry of Justice). Chairman of the Advisory Committee on Questions of Disarmament (Dutch Ministry of Foreign Affairs). Member of the Advisory Defence Council (Dutch Ministry of Defence). Member of various advisory commissions on the Codification of the Law of Aliens and of Refugees (Dutch Ministry of Justice).

Lecturer at the Hague Academy of International Law (1976 and 1991).

Author of numerous publications on international law.

Judge Francisco REZEK

(Member of the Court since 6 February 1997)

Born in Cristina, Minas Gerais (Brazil), on 18 January 1944.

LL.B (1966), D.E.S. (1967): Federal University of Minas Gerais (Belo Horizonte, MG). Docteur de l'Université de Paris-Sorbonne (1970). Diploma in Law, University of Oxford (1979).

Courses and research programmes: Harvard University (1965); the Hague Academy of International Law (1968, 1970).

Professor of International Law and Constitutional Law at the University of Brasilia (1971-1997). Chairman of the Department of Law (1974-1976). Dean of the Faculty of Social Studies (1978-1979). Professor of International Law at Rio Branco Institute (the official diplomatic school of Brazil) (1976-1997). Lecturer at the Hague Academy of International Law (1986) and at the Institute of International Public Law and International Relations, Thessaloniki (1989).

President of conferences, lecturer and examiner in contests for professorship in the major Brazilian universities (since 1971).

Attorney of the Republic before the Supreme Court of Brazil (1972-1979); Deputy Attorney-General of the Republic (1979-1983). Justice of the Supreme Court of Brazil, appointed by the President with approval of the Senate, March 1983, at the age of 39. Resigned in March 1990. Appointed again in April 1992 for life, retired in 1997.

Foreign Minister of Brazil (from March 1990 to April 1992).

Member of the Permanent Court of Arbitration (since 1987).

Published works: *Direito dos Tratados*, 1984; *Direito Internacional Público*, 1st ed., 1989, 9th ed., 2001; *Droit des traités: particularités des actes constitutifs d'organisations internationales*, 1968; *La conduite des relations internationales dans le droit constitutionnel latino-américain*, 1970; "Aspectos elementares do Estatuto da Igualdade", in *Boletim do Ministério da Justiça*, No. 277, 1978; "Reciprocity as a Basis of Extradition", in *British Year Book of International Law*, Vol. 52, 1981; "Protection of the Victims of Armed Conflicts: Wounded, Sick and Shipwrecked", in *International Dimensions of Humanitarian Law*, Unesco, Institut Henry Dunant, 1988 (preceded by a French edition, 1986); "Le droit international de la nationalité", Hague Academy of International Law, *Recueil des cours*, Vol. 198, 1986; "Sur le fondement du droit des gens", in *Essays in Honour of Krzysztof Skubiszewski*, 1996; "A New International Order", in *Review of International Affairs*, 1990; "Una política comercial para los nuevos tiempos", in *Revista Latinoamericana de Integración*, 1991; "Imunidade do Estado Estrangeiro à Jurisdição Local", in *Hector Gross Espiel liber amicorum*, 1997.

About 45 monographs and other legal studies published in specialized periodicals in Brazil. More than 300 advisory opinions pronounced on behalf of the Public Ministry in cases put before the Supreme Court of Brazil and published in its quarterly Report (1972-1983). More than 500 decisions or dissenting opinions pronounced in the Supreme Court of Brazil and published in its quarterly Report and in other periodicals (1983-1995).

Judge Awn Shawkat AL-KHASAWNEH

(Member of the Court since 6 February 2000)

Born in Amman, Jordan, on 22 February 1950.

Primary and secondary education at the Islamic Educational College of Amman. University education at Cambridge University (Queens' College), history and law, postgraduate studies in international law. M.A. LL.M. (Cantab.)

Joined the Jordanian diplomatic service in 1975. Second Secretary, then First Secretary at the Permanent Mission of Jordan to the United

Nations in New York (1976-1980). Ministry of Foreign Affairs with special responsibility for international organizations and international law (1980-1985). Head of the Legal Department at the Ministry of Foreign Affairs (1985-1990). Seconded to the Royal Court (1990). Ambassador (1992). Adviser to the King and Adviser of the State on International Law with the rank of Cabinet Minister (1995). Chief of the Royal Hashemite Court (1996-1998).

Member of the Jordanian Royal Commission on Legislative and Administrative Reform (1994-1996). Chairman of the Jordanian National Group on the Implementation of International Humanitarian Law (1998).

Representative of Jordan at 19 sessions of the General Assembly of the United Nations (the Sixth (Legal) Committee) (since 1976). Jordan's alternate representative on the Security Council (1981-1982). Member of most Jordanian delegations to meetings of the Arab League, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference held in the years 1980-1988. Member of, and Legal Adviser to, the Jordanian delegation to the peace negotiations in the Middle East (1991-1994).

Representative of Jordan at the following conferences and committees in the field of the codification and progressive development of international law: *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages (1977-1980); United Nations Conference on Succession of States in Respect of Treaties, Second Session (1978); United Nations Conference on Succession of States in Respect of State Property, Archives and Debts (1982); Chairman of the Drafting Committee at the United Nations Conference on Treaties between States and International Organizations or between International Organizations (1986). Rome Conference on the drafting of a Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988).

Member of the Arab International Law Commission (1982-1989).

Member of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities (1984-1993). Chairman of the Sub-Commission (1993).

Special Rapporteur of the Commission on Human Rights on the human rights dimensions of forcible population transfer.

Chairman of Commission IV, Unesco General Conference (1993).

Member of the International Law Commission (1986-1999).

Member of the International Law Association, Committee on Maritime Neutrality (1994).

Member of the Board of Editors, *Palestine Yearbook of International Law*.

Member of the Council of the Centre of Islamic and Middle Eastern Law at the School of Oriental and African Studies, University of London.

Lectured and participated widely in academic seminars at various universities, including Oxford, Cambridge, London, Geneva and universities in Jordan.

Publications: Three reports on the human rights dimensions of forcible population transfers, to the Subcommission on Prevention of Discrimination and Protection of Minorities (1993-1997); "General Principles and Methods for Executing a New Convention", in *Environmental Protection and the Law of War*, 1992; "The International Law Commission and Middle East Waters", in *Water in the Middle East: Legal, Political and Commercial Implications*, 1995.

Honours: Istiqlal Order, First Class (1993); Kawkab Order, First Class (1996); Nahda Order, First Class (1996) (Jordan); Légion d'honneur, Grand Officier (1997) (France).

Judge Thomas Buergenthal

(Member of the Court since 2 March 2000)

Born 11 May 1934.

B.A., Bethany College, West Virginia (1957); Juris Doctor, New York University School of Law (Root Tilden Scholar) (1960); Master of Laws, Harvard Law School (1961); Doctor of Juridical Science, Harvard Law School (1968). Honorary Doctorates in Law: Bethany College (1981), University of Heidelberg, Germany (1986), Free University of Brussels (VUB), Belgium (1994), State University of New York (Buffalo) (2000) and American University (Washington, D.C.) (2002).

Member of the Bars of the State of New York, District of Columbia, and United States Supreme Court.

Instructor in Legal Method, University of Pennsylvania School of Law (1961-1962); Professor of Law, State University of New York (Buffalo) School of Law (1962-1975); Fulbright and Jaworski Professor of International Law, University of Texas School of Law (1975-1980); Dean and Professor of International Law, Washington College of Law, The American University (1980-1985); I. T. Cohen Professor of Human Rights, Emory University School of Law, and Fellow, Carter Center of Emory University (Director, Human Rights Program (1985-1989)); Lobingier Professor of Comparative Law and Jurisprudence and Presiding Director, International Rule of Law Center, The George Washington University Law School (1989-2000).

Chairman, United States Government Delegation to Unesco Specialized Conference on International Education (1974); United States expert, Unesco Meeting of Experts on the Implementation of the 1974 Unesco Recommendation on International Education (1976); Chairman, Human Rights Committee, United States National Commission for Unesco (1976-1979); Chief United States Government Representative, Unesco Executive Board Working Group on Human Rights Procedures (1977 and 1978); Member, Advisory Board, President's Commission on the Holocaust (1978-1979); Vice-President, Unesco Congress on the Teaching of Human Rights, and Chairman, United States Delegation to the Congress (Vienna, 1978); Member, United States Government Delegation, Conference on Security and Co-operation in Europe, Copenhagen (1990); Member, United States Government Delegation, Conference on Security and Co-operation in Europe, Expert Meeting on Democratic Institutions, Oslo (1991); Member, United States Holocaust Memorial Council (1996-2001); Chairman, Committee on Conscience, United States Holocaust Memorial Council (1997-1999).

Judge, Vice-President, President, Inter-American Court of Human Rights (1979-1991); Judge, Vice-President, President, Administrative Tribunal, Inter-American Development Bank (1989-1994); Member, United Nations Human Rights Committee (1995-1999); Member, United Nations Truth Commission for El Salvador (1992-1993); Member, Panels of Conciliators and of Arbitrators, International Centre for Settlement of Investment Disputes, World Bank (since 1997); Arbitrator (1998-2002); Vice-Chairman, Claims Resolution Tribunal for Dormant Accounts in Switzerland (1999-2000).

Rapporteur, Study Panel on International Human Rights Law and Its Implementation, American Society of International Law (1970-1975); Member, Board of Directors, International Institute of Human Rights (René Cassin Foundation), Strasbourg, France (1970-1989); Member, Executive Council, American Society of International Law (1977-1980; 1986-1989); Vice-President, American Society of International Law (1980-1982); Honorary Vice-President (1994-1999), Honorary President (since 2001); Advisory Committee (1980-1986), American Law Institute, Restatement (Third) on the Foreign Relations Law of the United States, Associate Reporter (1978-1980); Chairman, Human Rights Committee, International Law and Practice Section, American Bar Association (1981-1982; 1991-1992); Member, Administrative Council, Blaustein Institute of Human Rights (1996-2000); Member, Kuratorium and Scientific Council, Max Planck Institute for Public International Law, Heidelberg, Germany (since 1984); Founder and President, Inter-American Institute of Human Rights (1980-1992), Honorary President (since 1992); Member, Board of Directors, E. M. van Asbeck Centre for Human Rights Studies, University of Leiden, Netherlands (since 1991); Member, Advisory Board, Brazilian Institute of Human Rights (since 1997); Member, Standing Committee on World Order under Law, American Bar Association (1987-1990); Vice-Chairman, Academic Council, Institute of Transnational Arbitration (since 1998).

Member of the American Bar Association, American Society of International Law, American Law Institute, Council on Foreign Relations, German Society of International Law.

Pro-Humanitate Prize, West-Ost Kulturwerk (Federal Republic of Germany) (1978); Unesco Human Rights Prize (First Honourable Mention) (1978); Book Award (First Prize) of the Inter-American Bar Association for *Protecting Human Rights in the Americas: Selected*

Problems (1982); Distinguished Service in Legal Education Award, New York University Law School Association (1987); Wolfgang G. Friedmann Memorial Award for Outstanding Achievement in International Law, Columbia University Law School (1989); Harry Leroy Jones Award for Outstanding Achievements in Foreign and International Law, Washington Foreign Law Society (1990); Human Rights Prize, Jacob Blaustein Institute for the Advancement of Human Rights (1997); Goler T. Butcher Medal for Excellence in Human Rights, American Society of International Law (1997); Manley O. Hudson Medal, American Society of International Law (2002).

Member of the following Editorial Boards: *American Journal of Comparative Law* (1966-1977); *American Journal of International Law; Human Rights Law Journal; Europäische Grundrechte Zeitschrift; Revue universelle des droits de l'homme;* and *Encyclopedia of Public International Law*.

Author of numerous books, essays and articles. Books include, *inter alia*: *Law-Making in the International Civil Aviation Organization*, 1969; *International Protection of Human Rights* (with L. B. Sohn), 1973; *Public International Law* (with J. G. Maier), 2nd ed., 1990; *International Human Rights*, 2nd ed., 1995; *Protecting Human Rights in the Americas* (with D. Shelton), 4th ed., 1995; *International Human Rights* (with D. Shelton and D. Stewart), 3rd ed., 2002; *Public International Law* (with S. Murphy), 3rd ed., 2002.

Judge Nabil Elaraby

(Member of the Court since 12 October 2001)

Born in Egypt on 15 March 1935.

Licence en droit, Faculty of Law, Cairo University (1955); LL.M. (Master in International Law), New York University Law School (1969); J.S.D. (Doctor of Juridical Science), New York University Law School (1971). Adlai Stevenson Fellow in International Law, United Nations Institute for Training and Research (UNITAR) (1968); Special Fellow in International Law, UNITAR (1973).

Lecturer in international law and international organizations, Institute for Diplomatic Studies, Egyptian Ministry of Foreign Affairs, Cairo. Partner, Zaki Hashem & Partners, Attorneys at Law.

Legal Adviser to the Egyptian delegation to the United Nations Geneva Middle East peace conference (1973-1975); Legal Adviser and Director, Legal and Treaties Department, Ministry of Foreign Affairs, Cairo (1976-1978, 1983-1987); Legal Adviser to the Egyptian delegation to the Camp David Middle East peace conference (1978); Head of the Egyptian delegation to the *Taba* negotiations (1985-1989); Agent of the Egyptian Government to the Egyptian-Israeli arbitration tribunal (*Taba* dispute) (1986-1988). Appointed by the Egyptian Minister of Justice on the list of arbitrations in civil and commercial affairs in Egypt (since 1995).

Ambassador, Deputy Permanent Representative of Egypt to the United Nations in New York (1978-1981). Ambassador to India (1981-1983). Permanent Representative of Egypt to the United Nations Office at Geneva (1987-1991). Permanent Representative of Egypt to the United Nations in New York (1991-1999).

Chairman, United Nations Special Committee on Enhancing the Principle of the Prohibition of the Use of Force in International Relations (1981-1982). Chairman, Working Group on Legal Instruments, United Nations Conference on Environment and Development, Rio de Janeiro (1992). Chairman, Informal Working Group on an Agenda for Peace (1992-1996). Chairman, First (disarmament and international security questions) Committee of the United Nations General Assembly (Forty-seventh Session). Vice-President of the General Assembly (1993, 1994, 1997). President of the United Nations Security Council (June 1996).

Judge, Judicial Tribunal of the Organization of Arab Petroleum Exporting Countries (since 1990). Member of the International Law Commission of the United Nations (1994-2001). Commissioner at the United Nations Compensation Commission in Geneva (1999-2001).

Arbitrator at the International Chamber of Commerce International Court of Arbitration in Paris in a dispute concerning the Suez Canal (1989-1992). Member of the World Intellectual Property Organization Arbitration and Mediation Centre List of Neutrals. Member of the Board, Cairo Regional Centre for International Commercial Arbitration.

Participant in the workshop entitled "The Adaptation of Structures and Methods at the United Nations" given at the Hague Academy of International Law (1985). Lectured at the Hague Academy of International Law, Columbia University, New York University, Duke University, Yale University, University of Pennsylvania, University of Houston, American Society of International Law, New York Bar Association, Greek Institute of International Law and International Peace Academy in New York and Vienna. Keynote Speaker at the Institut universitaire de hautes etudes internationales (1993): "The United Nations and the New World Order", Geneva. Vienna Diplomatic Academy (1995). Panellist at the annual meeting of the American Society of International Law.

Member of the Board of Trustees, American University in Cairo. Member of the Board, Egyptian Society of International Law. Member, American Society of International Law. Commissioner, Canberra Commission on the Elimination of Nuclear Weapons. Member, Board of Directors of the Institute of World Affairs, New York. Honorary Senior Fellow, Center for International Studies, New York University Law School (1992-1993). Visiting Scholar, Robert Wagner School of Public Service, New York University. Member of the Governing Board of the Stockholm International Peace Research Institute (SIPRI) (since 2001).

Author of numerous publications.

II. MEMBER OF THE COURT WHOSE TERM OF OFFICE ENDED DURING THE PERIOD UNDER REVIEW

Judge Mohammed BEDJAOUI

(Member of the Court from 19 March 1982 to 30 September 2001; President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*, 1983-1987; President of the Court from 1994 to 1997)

Born in Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law, Law Faculty of the University of Grenoble, France (1955). Doctor *honoris causa* of the Universities of Hyderabad, Aix-en-Provence, Brussels, Kuwait, Madrid-Complutense and Madrid-Carlos III. Diploma of the Institute of Political Studies, University of Grenoble (1952).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953). Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961). Expert adviser to the Algerian delegation in the independence negotiations at Evian and Lugrin (1961).

Executive Secretary to the President of the National Constituent Assembly at Algiers (1962). Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979). Permanent delegate of Algeria to Unesco (1971-1979). Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980). Vice-President of the United Nations Council for Namibia (1979-1982). Chairman of the Group of 77 (1981-1982). Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1981-1982). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea and Guinea-Bissau (1983-1985). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea-Bissau and Senegal (1985-1989). Arbitrator or President in several international commercial arbitrations.

Participated in various sessions of the United Nations General Assembly as member, deputy-head or head of the Algerian delegation. Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-1980).

Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation. United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).

Member of the International Law Commission (1965-1982).

Member of the Institute of International Law (since 1977); First Vice-President of the Institute (Strasbourg 1997-Berlin 1999). Member of the French Society for International Law. Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco. Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta. Member of the Independent Commission on International Humanitarian Issues (co-chaired by Prince Hassan bin Talal of Jordan and Prince Sadruddin Agha Khan) (1982-1987). Member of several award panels for international prizes, including that of the Albert Schweitzer Prize (United States of America). Member of the Jury for the Félix Houphouët-Boigny Peace Prize (Unesco). Member of the Unesco *Ad Hoc* Forum for Reflection (1992). Member of the Unesco International Consultative Committee on Bioethics (1994-1999). Member of the International Committee of Advisers of the Chinese International Law Institute, Beijing. Member of the International Council for Global Health Progress (since 1994). Member of the Independent World Commission on the Oceans (President: Mr. Mario Soares) (1995-1998).

Recipient of various prizes and honours.

Holder of decorations of several States.

Author of eight books and over 200 articles.

III. JUDGES *AD HOC*

Article 7, paragraph 3, of the Rules of Court provides that judges *ad hoc* are to take precedence after the Members of the Court and in order of seniority of age.

Judge *ad hoc* Sir Robert Yewdall JENNINGS

(Judge *ad hoc* in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*)

Born on 19 October 1913.

Studied at Cambridge University, obtaining the degrees of M.A.

and LL.B. and subsequently at Harvard University (Choate Fellow, 1936-1937).

Honorary Doctor of Law, Universities of Hull (1987), Saarland (1988), Rome (1990), Cambridge (1993), Leicester and Oxford (1996).

Assistant Lecturer in Law, London School of Economics (1938-1939) and Honorary Fellow (1994). Lecturer (1946-1955) and subsequently Whewell Professor of International Law in the University of Cambridge (1955-1982). Reader in International Law to the Inns of Court Council of Legal Education (1959-1970).

Fellow (since 1939), Senior Tutor (1949-1955) and sometime President of Jesus College, Cambridge.

Called to the Bar of Lincoln's Inn (1943); Honorary Bencher of Lincoln's Inn (since 1970); Queen's Counsel (since 1969).

Counsel in the *Rio Encuentro*, *Beagle Channel*, Franco-British *Continental Shelf Delimitation* and Dubai-Sharjah *Frontier Delimitation* arbitrations; appeared as Counsel before the Court in the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case.

Sometime legal consultant to a number of Governments (Argentina, Bangladesh, Brunei, Canada, Sudan, Venezuela, Sharjah, etc.).

Judge *ad hoc*, European Court of Human Rights, in *X* v. *United Kingdom* (1982).

Member of the Permanent Court of Arbitration (since 1982).

President of the PCA Arbitral Tribunal in the *Eritrea-Yemen Arbitration* (1996-1999).

Member (1982-1995) and President (1991-1994) of the International Court of Justice; member of its Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1986-1992) and its Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)* (1987-1989).

Public International Law Editor of the *International and Comparative Law Quarterly* (1957-1959). Editor of the *British Year Book of International Law* (1959), first with Sir Humphrey Waldock and then as senior editor from 1974 to 1982.

Associate (1957), Member (1967), Vice-President (1979), President (1981) and Honorary Member (1985) of the Institute of International Law.

Honorary Life Member of the American Society of International Law and of the Indian Society of International Law.

Received the Manley Hudson Medal of the American Society of International Law (1993).

Gave the general course on principles of international law at the Hague Academy of International Law (1967).

Author of *Acquisition of Territory in International Law* (1963); *Oppenheim's International Law* (9th ed.), Vol. I, with Sir Arthur Watts; *Collected Writings of Sir Robert Jennings*, 2 vols., 1998; and various articles, mainly in the *British Year Book of International Law*.

Judge *ad hoc* Keba Mbaye

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*)

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Honorary First President of the Supreme Court.

Former President of the Constitutional Council of Senegal.

Former lecturer at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Doctor *honoris causa* of the Universities of Lille II, Savoie and Nice (France), Bhopal (India) and Emory (United States of America).

Member of the International Court of Justice (6 February 1982 to 5 February 1991); Vice-President of the Court (1987 to 1991); formerly judge *ad hoc* in the cases concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)* and the *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the* Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Preliminary Objections *(Nigeria v. Cameroon)*.

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; former member of the ILO Committee of Experts.

Vice-Chairman of the Executive Committee of the International Institute of Human Rights (René Cassin Foundation); Honorary Member of the International Institute of Humanitarian Law; former Chairman of the International Commission of Jurists; Honorary President of the World Federation of United Nations Associations; former President of the International Academy of Human Rights; Member of the Société française pour le droit international; Vice-President of the Institut international de droit d'expression française.

General Rapporteur at the Organization of African Unity Conference which adopted the African Charter on Human and Peoples' Rights.

Honorary Member of the Belgian Académie royale des sciences d'outre-mer; Member of the International Academy of Comparative Law, of the International Law Association, and of the Académie française des sciences d'outre-mer; Vice-President of the Curatorium of the Hague Academy of International Law; Honorary Member of the Institute of International Law; former Vice-Chairman of the ICC International Court of Arbitration; President of the Court of Arbitration for Sport and of the International Council of Arbitration for Sport.

Author of numerous publications concerning the law of Senegal, the law of sub-Saharan Africa, human rights in general, and in particular the right to development, the law of sport. Gave a lecture on "'Interest to Act' before the International Court of Justice" at the Hague Academy of International Law (1988).

Judge *ad hoc* François Ernest Robert Rigaux

(Judge *ad hoc* in the case concerning *Oil Platforms*
(*Islamic Republic of Iran* v. *United States of America*))

Born in Ixelles, Belgium, on 26 March 1926.

Bachelier of Philosophy (1945); Doctor of Law (1947); Licencié in Criminal Science (1948); Agrégé in Law (1956); Doctor *honoris causa* of the University of Dijon (1981).

Senior Lecturer (1955), Assistant Professor (1959) and Professor (1961) in the Faculty of Law of the Université catholique de Louvain. Subjects taught: civil law (persons and property); private international law; protection of the individual and of privacy. Dean of the Faculty of Law (1980-1984), and President of the International Law Department of the Université catholique de Louvain. Professor emeritus at the Université catholique de Louvain (1991) and Visiting Professor, Faculty of Law (1991-1992, 1992-1993). Visiting Professor, Catholic University, Brussels (1993-1994 and 1994-1995) and University Faculties at Saint Louis, Brussels (1995-2000).

As well as courses and lectures at various foreign universities, particularly in Florence, Bremen, Barcelona, Caracas, Caceres, Geneva, Hamburg, Madrid, Milan, Munich, Nancy, Regensburg, Rio de Janeiro, Würzburg and Baton Rouge, gave courses as follows: a course at the Hague Academy of International Law on change of connecting factors in private international law (1966), published in the collection *Recueil des cours*; the General Course on Private International Law in 1989 on "Les situations juridiques individuelles dans un système de relativité générale", also published in the *Recueil des cours*; Visiting Professor at the Université Lovanium, Kinshasa (1970); holder of the Francqui Professorship at the Université libre de Bruxelles (1975-1976 academic year), where he taught a course entitled "Droit public et droit privé dans les relations internationales" (published in 1977); course at the Institut des hautes études internationales (Paris, 1978-1979 academic year) on the new international economic order (published in the Institute's "collection des cours et travaux"); Director of Studies of the 1979 summer programme of the Institut universitaire de Luxembourg on the impact of the EEC on the private international law of its member States (work published in 1980). Holder of the Francqui Professorship in the Faculty of Law of the Katholieke Universiteit Leuven (Catholic University of Louvain) (1980-1981 academic year), where he taught a course on "Le pluralisme juridique". Holder of the Francqui Professorship at the Facultés universitaires Notre-Dame de la Paix, Namur (1991-1992 academic year), where he taught a course on "La liberté de la vie privée". Holder of the Francqui Professorship at the University of Ghent (1996-1997) where he taught a course on "Le règlement juridictionnel des conflits de normes". Invited to give lectures at the Tunis Faculty of Law (1988 and 1989), the Florence Faculty of Political Science (1988), the Faculty of Law of the Université d'Aix-Marseille (1991-1992) and the Faculty of Law of Louisiana State University, Baton Rouge (1994-1995).

Served on Ph.D. examining boards at the Universities of Antwerp, Barcelona, Dijon, Ghent, Lyons, Nice, Paris, Reims, Strasbourg and Tunis.

Member of the Bar of Brussels (1947-1954). Deputy Royal Procurator (1954-1963). At present, Honorary Deputy Royal Procurator. Assessor, Legislation Section of the Conseil d'Etat (1966-1991), authorized by Royal Order to bear the honorary title of that function.

Member of the Constitutional Court of the Federation of Bosnia and Herzegovina (1996-2001).

Member of the Institute of International Law (and Third Vice-President from 1983 to 1985). Member of the Institut belge de droit comparé. Former President of the Société belge de droit international. Former President of the scientific council of the *Revue belge de droit international*. Member of the Académie royale de Belgique. (Associate) Member of the International Academy of Comparative Law.

Winner of the Prix des Anciens Présidents et du *Journal des tribunaux* awarded to a first-year trainee (1947-1948 judicial year). Winner of the Emile van Dievoet Prize (period 1951-1955) for his work entitled: *La théorie des qualifications en droit international privé*. Winner of the "Legatum Visserianum" Prize awarded in January 1962 by the College of Curators of Leiden University for a dissertation on Representation in Comparative Private International Law, submitted on 1 March 1959. Winner of the José A. Negri Prize awarded by the Federal Council of Argentine Notaries for the collective work "Les régimes matrimoniaux et les successions en droit international privé", edited by him in 1961 on the occasion of the Seventh International Congress of Latin Notaries.

Officer of the Order of Leopold (1968). Commander of the Order of the Crown (1977). Grand Officer of the Order of Leopold II (1988).

Principal publications: *La théorie des qualifications en droit international privé*, 1956; *Le statut de la représentation en droit international* *privé*, 1959; *La nature du contrôle de la Cour de cassation*, 1966; *Précis de droit international privé*, 1968; *Précis de droit des personnes*, Vol. I: *Les relations familiales*, 1971, updated with the collaboration of M. T. Meulders-Klein, 1978; *Introduction à la science du droit*, 1974; *Droit public et droit privé dans les relations internationales* (publication of the *Revue générale de droit international public*, No. 26), 1977; *Droit international privé*, Vol. I: *Théorie générale*, 1977, revised 2nd ed., 1987, Vol. II: *Droit positif belge*, 1979, revised 2nd ed. with the collaboration of Marc Fallon, 1993; *Pour un autre ordre international*, Droit economique 2, Institut des hautes études internationales de Paris, 1979-1980; *Derecho internacional privado, parte general*, translation and adaptation to Spanish law of Volume I of *Droit international privé*, by Mrs. A. Borras Rodriguez, 1985; *La Carta di Algeri*, translated by Anna Lo Monaco, 1988; "Les situations juridiques individuelles dans un système de relativité générale (Cours générale de droit international privé)", *Recueil des cours*, Hague Academy of International Law, Vol. 213, 1989; *Pour une déclaration universelle des droits des peuples*, 1990; *La protection de la vie privée et des autres biens de la personnalité*, 1990; *La vie privée, une liberté parmi les autres?*, 1992; *La loi des juges*, 1997; *A lei dos juízes* (Brazilian translation), 2000; (Portuguese translation), 2000; *La legge dei giudici* (Italian translation), 2001; *Plaisir, interdits et pouvoir*, 2000.

Judge *ad hoc* Krzysztof SKUBISZEWSKI

(Judge *ad hoc* in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*)

Born in Poznan, Poland, on 8 October 1926.

Faculty of Law and Economic Sciences, University of Poznan (*magister juris*) (1945-1949); Doctor *juris* (1950); European University Centre (Diploma of European Higher Studies), University of Nancy, France (1957); Harvard Law School (Master of Law) (1957-1958); "Habilitation" in International Law at the Adam Mickiewicz University in Poznan (1960); Doctor *honoris causa* of the Universities of Ghent, Liege, Turin, Mainz, Geneva and Warsaw (Cardinal Wyszynski University).

Assistant teacher and lecturer, Faculty of Law, Adam Mickiewicz University in Poznan (1948-1960); Dozent, Faculty of Law, Adam Mickiewicz University in Poznan (1961-1973), Pro-Dean at that Faculty (1961-1963); Visiting Scholar, School of International Affairs, Columbia University, New York (1963-1964); Visiting Professor at the Law Faculty, University of Geneva (1971 and 1979); Visiting Fellow, All Souls College, Oxford (1971-1972); Professor, Institute of Law, Polish Academy of Sciences, Warsaw (1973-1996); Honorary Professor, University of Bucharest.

Lectures at the Universities of Nottingham and London; International Faculty of Comparative Law in Strasbourg; Graduate Institute of International Studies at Geneva; College of Europe at Bruges, Belgium, and also the Clubs of International Law of Harvard, Duke and Oxford Universities; Max-Planck Institute in Heidelberg; Universities of Vienna and Graz; Faculty of Law, University of Paris II; Royal Institute of International Affairs, Chatham House; All Souls College, Oxford; Institut d'Etudes Politiques de Paris; Free University, Berlin; also Hersch Lauterpacht Lectures, Cambridge (1985); Cyril Foster Lecture, Oxford (1990); Lord Wilberforce Lecture (1990); Hugh Gaitskell Lecture (1991); Hague Academy Jubilee Lecture (1998); and numerous other lectures in European, American, Australian and Asian Societies of Political and Legal Sciences or International Relations.

Member of "Solidarity" (since 1980); Member of the Primate of Poland Social Council (1981-1984); Member of the Co-ordinating Committee of the Poland-Federal Republic of Germany Forum, representing the secretariat of the Polish Episcopate (1984-1989); Member of the Consultative Council to the Chairman of the Council of State of the Polish People's Republic (1986-1989); Minister for Foreign Affairs (1989-1993).

Member (since 4 December 1993) and President (since 16 February 1994) of the Iran-United States Claims Tribunal.

Member, Bureau of the Court of Conciliation and Arbitration within the Organisation for Security and Co-operation in Europe (OSCE), Geneva (1995-2000).

Judge *ad hoc* in the International Court of Justice in the case concerning *East Timor (Portugal v. Australia)*.

Chairman of the Arbitration Tribunal Netherlands France set up under the Rhine Convention of 1976.

Co-founder and first Chairman of the Council on Foreign Policy (Warsaw, 1996).

Member of the Academies of Sciences of Warsaw and of Cracow; Correspondent, Institut de France; Member, Society of Arts and Sciences, Poznan; Western Institute, Poznan; International Law Association (Polish branch); Institut de droit international (First Vice-President, 1995-1997); American Society of International Law (Honorary Member, 1991); Société française pour le droit international; Deutsche Gesellschaft für Völkerrecht; Oxford Society; Codrington Club; Honorary Bencher, Gray's Inn; Curator, United Nations Student Association, Poznan (1960-1973).

Gold Cross of Merit (1977); Knight's Cross of the Order of Polonia Restituta (1986); Grand Cross of the same Order (1993); Cavaliere di Gran Croce, Ordine Piano (Holy See, 1991); Grand Officier de la Légion d'honneur (1991); Grosskreuz des Verdienstordens der Bundesrepublik Deutschland (1991); Order of Diplomatic Merit of the Republic of Korea (1991); Cross of Merit of the Republic of Hungary (1994); Giedymin Order of Lithuania (2001).

Alexander von Humboldt Foundation research prize (1984); Wartburg

Prize, Germany (1992); Robert Schuman Gold Medal (1999); German-Polish prize (1999, awarded by virtue of Article 35 of the Treaty of 1991 between the two States).

Author of five books and over 100 articles in law journals or collections of studies, also chapters in collective books and reports, on legal aspects of Polish-German relations, in particular the border between the two countries; use of force by States and law of armed conflicts; law of international organizations; theory of international law, including its sources; rights of individuals.

Judge *ad hoc* Christopher G. WEERAMANTRY

(Judge *ad hoc* in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*)

Born in Colombo, Sri Lanka, on 17 November 1926.

B.A.; LL.B.; LL.D. (University of London); LL.D. *(honoris causa)* (University of Colombo), LL.D. *(honoris causa)* (Monash University); L.L.D. *(honoris causa)* (National Law School of India).

Advocate, Supreme Court of Sri Lanka (1948-1965). Lecturer and Examiner, Council of Legal Education, Sri Lanka (1951-1956). Commissioner of Assize, Supreme Court of Sri Lanka (1965-1967). Justice of the Supreme Court of Sri Lanka (1967-1972). Member, Council of Legal Education, Sri Lanka (1967-1972). Honorary Visiting Professor, University of Colombo (since 1984). Honorary Life Member, Bar Association of Sri Lanka.

Sir Hayden Starke Professor of Law, Monash University, Melbourne, Australia (1972-1991). Emeritus Professor of Law, Monash University (since 1991). Chairman, Commission of Inquiry into International Responsibility for Phosphate Mining on Nauru (1987-1988).

Panellist, Unesco Seminar on Teaching of Human Rights, Canberra (1980); Member, United Nations University Task Force on Human Rights (1982); Vice-Chairman, United Nations Centre against *Apartheid*/Government of Nigeria Conference on Legal Status of *Apartheid* Régime, Lagos (1984); Panellist, SCOPE/ENUWAR/UNU (Scientists' Committee on Problems of the Environment/Environmental Consequences of Nuclear War/United Nations University), International Conference on Nuclear Danger, Tokyo (1985); Lecturer, United Nations Human Rights Commission Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Palais des Nations, Geneva (1988); Editor, United Nations University/United Nations Human Rights Commission's two-volume study on Science, Technology and Human Rights (1988-1990); Co-ordinator, United Nations University/Netherlands Institute of Human Rights Workshop on Science, Technology and Human Rights, Utrecht (1989).

Visiting Professorships and Academic Appointments: University of Tokyo (1978); University of Stellenbosch (1979); University of Papua

New Guinea (1981); University of Florida (1984); Lafayette College, Pennsylvania (1985); University of Hong Kong (1989).

Member of the International Court of Justice (6 February 1991 to 5 February 2000); Vice-President of the Court (1997 to 2000).

Member, Editorial Board: *Sri Lankan Journal of International Law*; *Human Rights Quarterly*, Johns Hopkins University; *Interdisciplinary Peace Research*, La Trobe University; *Journal of Ceylon Law*; Advisory Board, *China Law Reports*; *Georgetown International Environmental Law Review*; Editorial Advisory Board, *Asia Pacific Journal of Environmental Law*; Board of Recommendation, *Yearbook of International Humanitarian Law*; Editorial Board of Advisers, *Pacifica Review*.

Associate Member, Institute of International Law; Associate Academician, International Academy of Comparative Law, Paris; Vice-President, International Commission of Jurists, Victoria; Past President, World Federation of Overseas Sri Lankan Organizations; Vice-Patron, United Nations Association of Sri Lanka; Member, Club of Rome (Australia); Commonwealth Lawyers Association; Society of Public Teachers of Law; World Association of Law Professors; Lawasia; World Association on the Philosophy of Law and Legal Philosophy.

Books: *The Law of Contracts, being a Comparative Study of the Roman-Dutch, English and Customary Laws of Contract in Ceylon* (2 vols.), 1965; *The Law in Crisis: Bridges of Understanding*, 1975; *Equality and Freedom: Some Third World Perspectives*, 1976; *Human Rights in Japan*, 1979; *Apartheid: The Closing Phases?*, 1980; *An Invitation to the Law*, 1980; *The Slumbering Sentinels: Law and Human Rights in the Wake of Technology*, 1983; *Law: The Threatened Peripheries*, 1984; *Nuclear Weapons and Scientific Responsibility*, 1987 (translated into Japanese); *Islamic Jurisprudence: Some International Perspectives*, 1988; *Human Rights and Scientific and Technological Development*, ed., 1990; *Nauru: Environmental Damage under International Trusteeship*, 1992; *The Impact of Technology on Human Rights: Global Case-Studies*, ed., 1993; *Justice without Frontiers*, Vol. I, *Furthering Human Rights*, 1997; Vol. II, *Protecting Human Rights in the Age of Technology*, 1998; *The Lord's Prayer: Bridge to a Better World*, 1998.

Reports: *Report of the Nauru Commission of Inquiry* (10 vols.), 1988 (joint author).

Articles in law journals in Asia, Africa, Australasia, Europe and North America.

Published lectures include: "Fundamental Perspectives on Equality and Freedom", World Congress on Equality and Freedom, St. Louis, Missouri (1976), an official event marking the American Bicentennial; "National and Transnational Systems as Denigrators of Human Rights", Unesco Seminar on Teaching of Human Rights, Canberra (1981); "The Right to Development", Lawasia Seminar on Establishment of a Regional Human Rights Framework for the Pacific, Suva (1985); "Cultural and Ideological Pluralism in Contemporary Public International Law", World Congress of International Academy of Comparative Law, Sydney and Melbourne (1986); "Traffic in

Armaments: A Blind Spot in Human Rights and International Law", Joint Soviet/US International Conference on Nuclear Weapons and International Law, New York (1987); "Emerging Dimensions of Sovereignty in International Law", International Seminar on the Coming Global Civilization, Moscow (1988); "The Teaching of Human Rights", United Nations Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Geneva (1988); "The Law, Nuclear Weapons and the Real World", First World Convention of Lawyers against Nuclear Arms, The Hague (1989); "International Arbitration under the UNCITRAL Rules", Regional Seminar on International Arbitration, Kuala Lumpur (1989); "Judicial Reasoning under the Common Law", Commonwealth Law Conference, Auckland (1990); "The Importance of Philosophical Perspectives to the Judicial Process", 6 *Connecticut Journal of International Law* (1991); "Does International Law Matter?", *Inaugural Tun Hussein Onn Memorial Lecture*, Kuala Lumpur (1991); "The Right to Know: Freedom of Information as a Human Right", Commonwealth Law Conference, Cyprus (1993); "Introducing Human Rights to the Younger Generation", Unesco, Netherlands (1993); "The Constancy of the Judicial Obligation", Inaugural Fernando Memorial Lecture, Colombo (1994); "The World Court: Its Conception, Constitution and Contribution", *Inaugural Governor's Forum*, Melbourne, Victoria, Australia (1994); 1995 Martin Luther King Lecture, "On Earth as It Is in Heaven: A Vision of World Order for the 21st Century", *Tulsa Journal of Comparative and International Law*, 1995; Inaugural Nagendra Singh Memorial Lecture, "The International Court of Justice in the Age of Multiculturalism", 36 *Indian Journal of International Law* (1996); "Some Practical Problems of International Adjudication", 17 *Australian Year Book of International Law* (1996); "The Function of the International Court of Justice in the Development of International Law", 10 *Leiden Journal of International Law* (1997); "Private International Law and Public International Law", 12 *Rivista di diritto internazionale privato e processuale*, No. 2 (1998); "Some Buddhist Perspectives on International Law", in *Festschrift in Honour of Boutros Boutros-Ghali*, 1998; "Human Rights and the Global Marketplace", XXV *Brooklyn Journal of International Law*, No. 1 (1999); "Inaugural Grotius Lecture", 14 *American University International Law Review*, No. 6 (1999).

Order of *Deshamanya* (Sri Lanka); Mohamed Sahabdeen Award for International Understanding in the SAARC Region, 1993.

Judge *ad hoc* Sir Elihu LAUTERPACHT

(Judge *ad hoc* in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*)

Born in London, United Kingdom, on 13 July 1928.

Cambridge University, B.A. (1949); LL.M. (1950); Whewell Scholar in International Law (1950).

Lecturer (1955) and Reader (1982) in International Law, University of Cambridge.

Director of the Research Centre for International Law (1983-1995) and Honorary Professor of International Law, University of Cambridge.

Fellow of Trinity College, Cambridge (1953).

Barrister (1950); Queen's Counsel (1970); Bencher of Gray's Inn.

Commander of the British Empire (C.B.E.) (1989).

Knight (1998).

Legal Adviser of the Australian Department of Foreign Affairs (1975-1977); deputy leader of the Australian delegation to the United Nations General Assembly (1975-1977); deputy leader of the Australian delegation to the United Nations Law of the Sea Conference (1975-1977).

Counsel or advocate in numerous cases before the International Court of Justice, the European Commission of Human Rights, the Iran-United States Claims Tribunal, various international arbitral tribunals and national courts; counsel and adviser to many Governments and corporations.

Member of the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes (ICSID) (since 1974); Member of the Panel of Arbitrators of the Dispute Settlement Centre of the International Energy Agency (since 1980).

Chairman of the East African Common Market Tribunal (1972-1975); Member (1979-1998) and President (1996-1998) of the World Bank Administrative Tribunal; Chairman of the Asian Development Bank Administrative Tribunal (1992-1995); Chairman of the Dispute Settlement Panel under Chapter XX of the North American Free Trade Agreement (1996); President of an ICSID (Additional Facility) Arbitration Tribunal established pursuant to Chapter XI of the North American Free Trade Agreement (1997-2000); Member of an ICSID Arbitration Tribunal (since 1997); President of an ICSID Arbitration pursuant to a bilateral investment treaty (since 1998); Chairman, Panel No. F3 of the United Nations Compensation Commission (1998-1999); President, Eritrea-Ethiopia Boundary Commission (since 2001).

Member of the Institute of International Law; Honorary Member of the American Society of International Law.

Director, English-speaking Section, Research Centre of the Hague Academy of International Law (1959 and 1960); delivered course of lectures at the Hague Academy of International Law on "The Development of the Law of International Organization by the Decisions of International Tribunals" (1976) and on "Principles of International Litigation" (1996).

Editor of the *International Law Reports* (since 1960) and founder editor of *British Practice in International Law*.

Publications include *Aspects of the Administration of International Justice* (1991); "The Development of the Law of International Organization by the Decisions of International Tribunals", Hague Academy of International Law, *Recueil des cours* (1976); *Jerusalem and the Holy Places* (1968); and many articles.

Judge *ad hoc* Marc LALONDE

(Judge *ad hoc* in the case concerning the *Legality of Use of Force* (*Yugoslavia* v. *Canada*))

Born in Ile Perrot, Quebec, Canada, on 26 July 1929.

B.A., St. Laurent College, Montreal (1949); LL.L., University of Montreal (1954); M.A. (Law), University of Montreal (1955); M.A. (Oxon.) (Economics and Political Science), Oxford University (1957); Diploma of Superior Studies in Law, University of Ottawa (1960); LL.D. *honoris causa*, Limburg University, Netherlands (1993).

Called to the Bar of Quebec (1955).

Professor of Commercial Law and Economics, University of Montreal (1957-1959); Special Assistant to the Canadian Minister of Justice (1959-1960); Partner, Gélinas, Bourque, Lalonde & Benoit, Montreal (1960-1967); Lecturer in Administrative Law for Doctoral Students, University of Ottawa and University of Montreal (1961-1962); Policy Adviser to Lester B. Pearson, Prime Minister of Canada (1967-1968); Principal Secretary to Pierre E. Trudeau, Prime Minister of Canada (1968-1972); Member of Parliament (1972-1984); Minister of Health and Welfare (1972-1977); Minister Responsible for the Status of Women (1974-1979); Minister of State Responsible for Federal-Provincial Relations (1977-1978); Minister of Justice and Attorney General for Canada (1978-1979); Minister of Energy, Mines and Resources (1980-1982); Minister of Finance (1982-1984); Partner (1984-2002), Senior Counsel (since 2002), Stikeman Elliott, Montreal, Quebec.

Member of the Board of Directors of Citibank Canada, O & Y Properties Corporation, Sherrit Power Corp., Oxbow Equities Corp., Repworld Holdings Ltd. and the Pierre Elliott-Trudeau Foundation.

Member of the International Advisory Council to the Presidium of Ukraine (1990-1997); the Advisory Committee on Constitutional Matters in Czechoslovakia (1989-1991); the International Advisory Council of Air France (1991-1994).

Chairman of the Council of Governors, Canada-Chile Board of Trade (since 1995). Chairman of Hôtel-Dieu Hospital, Montreal, Quebec (1984-1997).

Judge *ad hoc* in the International Court of Justice in the case concerning *Fisheries Jurisdiction* (*Spain* v. *Canada*) (1995-1998).

Member of the Quebec Bar; the Law Society of Upper Canada (Ontario Bar); the American Bar Association (associate member); the International

Bar Association; the Canadian Bar Association; the Chambre de Commerce de Montréal; the Chambre de Commerce France-Canada; the International Council on Commercial Arbitration; the Corporate Counsel Committee, American Arbitration Association; Chairman of the North American Users Committee of the London Court of International Arbitration, Corresponding Member of the Institute of International Business Law and Practice of the International Chamber of Commerce and of the Canadian Arbitration Committee of the International Chamber of Commerce. Member of the Council of the Royal College of Physicians and Surgeons of Canada (lay member) (1995-1997).

Has written a number of articles and delivered lectures in Canada and abroad on arbitration. Has also been a frequent speaker to national and international conferences in the Canada-United States Free Trade Agreement and the North American Free Trade Agreement.

Queen's Counsel (1971); Member of the Privy Council of Canada (1972); Officer of the Order of Canada (1989).

Judge *ad hoc* Thomas M. FRANCK

(Judge *ad hoc* in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*)

Born in Berlin, Germany, on 14 July 1931. American citizen.

University of British Columbia, B.A. (1952); LL.B. (1953); Harvard Law School, LL.M. (1954), S.J.D. (1959); University of British Columbia, Hon. LL.D. (1995).

Assistant Professor, University of Nebraska College of Law (1954-1956); Associate Professor (1960-1962) and Professor (since 1962), New York University School of Law; Visiting Professor, Stanford Law School (1963); University of East Africa Law School (Dar es Salaam) (alternating semesters) (1963-1966); Osgood Hall Law School, York University (Toronto) (alternating semesters) (1972-1976); Director, Center for International Studies, New York University School of Law (since 1965); Director, International Law Program, Carnegie Endowment for International Peace (1973-1979); Visiting Professor, Woodrow Wilson School, Princeton University (1979); Director of Research, United Nations Institute for Training and Research (1980-1982); Lecturer, Hague Academy of International Law, General Course in Public International Law (1993); Visiting Fellow, Trinity College, Cambridge (1996-1997).

Legal Adviser or Counsellor to the Governments of Tanganyika, Kenya, Zanzibar, Mauritius, Solomon Islands, El Salvador, Chad, Bosnia and Herzegovina; Member, Commission on Legal Education, Government of Sierra Leone (1964); Director, Panel to Recommend an Implementation of Title IX, Assistance to Legal Institutions in LDCs, USAID (1970-1972); NGO Representative (The Carnegie Endowment), the Law of the Sea Conference (Caracas and Kampala) (1974); Geneva (1976); New York (1977); Geneva (1978)); Representative of the Solomon Islands to the United Nations General Assembly (1978-1979); Consultant to USAID Section 116 (*e*) Human Rights Project, Legal Aid Program for Ghana (1985); Department of State Advisory Committee on International Law (1986-1993); Counsel to the Government of Chad in the case concerning *Territorial Dispute* (*Libyan Arab Jamahiriya/Chad*) before the International Court of Justice (1992-1994); Counsel to the Government of Bosnia and Herzegovina in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*) before the International Court of Justice (1994).

American Branch of the International Law Association, Member of the Executive Committee (since 1968), Secretary-Treasurer (1968-1969), Vice-President (1973-1994), Honorary Vice-President (since 1994); Board of Directors, African Law Association in America (1970-1973); Member, Council on Foreign Relations (1978); American Society of International Law (ASIL), Member, Executive Council (1979-1994), President (1998-2000); Member, the Century Association of New York (1979-1998); Advisory Board, International Human Rights Law Group; Board of Directors, Friends of the Hague Academy of International Law, Inc. (since 1980); Member of the NYU Society of Fellows (since 1984); Member, Administrative Council, the Jacob Blaustein Institute for the Advancement of Human Rights (1988-1994); Board Member, Africa Watch (1989); Board of Directors, International Peace Academy (1991); Member, German Societe française de droit international; Member, Canadian Council on International Law; United States Member, Committee on International Human Rights Law and Practice, International Law Association (1995-2000).

Member, Editorial Board (1972-1984) (1996) and Editor-in-Chief (1984-1993) of *The American Journal of International Law*; Member, Board of advisers, *European Journal of International Law* (Florence, Italy) (1988); Member, Board of advisers, *Austrian Review of International and European Law* (1996); Member, Board of advisers, *Transnational Publishers* (1996).

Christopher Medal, for *Resignation in Protest* (1976); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *United States Foreign Relations Law: Documents and Sources* (1981); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *Nation against Nation: What Happened to the U.N. Dream and What the U.S. Can Do about It* (1986); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* (1994); Elected Member, Institut de droit international (1993); John E. Read Medal, awarded by the Canadian Council on International Law, for distinction in the study and advancement of international law (1994); Guggenheim Fellowship (1973-1974) (1982-1983); 1999 Wolfgang Friedmann Memorial Award, given by the *Columbia Journal of Transnational Law* (1999), for outstanding contributions to the field of international law.

Author of: *Race and Nationalism*, 1960/1961; *The Role of the United Nations in the Congo* (co-author), 1963; *African Law* (co-author), 1963; *East African Unity through Law*, 1964; *Comparative Constitutional Process: Cases and Materials in the Comparative Constitutional Process of Nation Building*, 1968; *A Free Trade Association* (co-editor), 1968; *Why Federations Fail* (et al.), 1968; *World Politics: Verbal Strategy among the Superpowers* (co-author), 1971; *Secrecy and Foreign Policy* (co-author), 1974; *Resignation in Protest: Political and Ethical Choices between Loyalty to Team and Loyalty to Conscience in American Public Life* (co-author), 1975; *Control of Sea Resources by Semi-Autonomous States: Prevailing Legal Relationships between Metropolitan Governments and Their Overseas Commonwealths, Associated States, and Self-Governing Dependencies*, 1978; *Foreign Policy by Congress* (co-author), 1979; *United States Foreign Relations Law: Documents and Sources* (co-author), 1980-1981; *The Tethered Presidency*, 1981; *Human Rights in Third World Perspective*, Vols. I-III, 1982; *United States Foreign Relations Law: Documents and Sources*, Vols. IV-V (co-author), 1984; *Nation against Nation: What Happened to the U.N. Dream and What the U.S. Can Do about It*, 1985; *Judging the World Court*, 1986; *Foreign Relations and National Security Law* (co-author), 1987; *The Power of Legitimacy among Nations*, 1990; *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?*, 1992; *Foreign Relations and National Security Law*, 2nd ed. (co-author), 1993; "Fairness in the International Legal and Institutional System", *Recueil des cours*, Hague Academy of International Law, Vol. 240, 1993; *Fairness in International Law and Institutions*, 1995; *International Law Decisions in National Courts* (co-editor), 1996; *The Empowered Self: Law and Society in the Age of Individualism*, 1999; *Delegating State Powers: the Effect of Treaty Regimes on Democracy and Sovereignty* (ed.), 2000; *Recourse to Force: State Action against Threats and Armed Attacks*, 2002.

Judge *ad hoc* Ahmed Sadek El-Kosheri

(Judge *ad hoc* in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*.)

Born at Cairo, Egypt, on 4 April 1932.

Licence en Droit, Faculté de Droit (1952), D.E.S. Droit Musulman (1954), D.E.S. Droit Privé (1955), D.E.S. Droit Public (1956), Cairo University. D.E.S. en Sciences Politiques (1957), Diplôme de Droit Comparé (1959), Paris University. D.E.S. en Histoire et Philosophie de Droit (1960), Doctorat d'Etat en Droit (1962), Rennes University.

Faculty Member of the Law School, Ain Shams University, Cairo (1958-1974). Visiting Professor, Beirut Arab University (1963-1964) and Nanterre University (Paris X) (1987-1988). Professor of International Economic Law and President of Senghor University, Alexandria.

Partner of Kosheri, Rashed and Riad law firm, Cairo.

Member of the Egyptian Conseil d'Etat (1952-1958). Legal Adviser of the Ministry of Oil and Finance, Kuwait (1968-1969). Founding General Counsel of the Arab Fund for Economic and Social Development, Kuwait (1973-1974). Secretary-General of the Islamic Development Bank, Jeddah (1978).

Member of the Institut de droit international. Member of the Council for International Commercial Arbitration (ICCA). Vice-President of the Euro-Arab Arbitration System. Member of the Scientific Council of the International Business Law Institute, International Chamber of Commerce, Paris. Vice-President of the ICC Court of Arbitration. Judge at the Administrative Tribunal of the African Development Bank. Member of the ICSID Panel of Arbitrators and Conciliators.

Author of numerous books and articles on general public international law, international commercial law and on international arbitration.

Judge *ad hoc* Diego González Campos

(Judge *ad hoc* in the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*)

Born at Alcala de Guadaira (Seville, Spain) on 5 April 1932.

Licenciado in law (1955), Doctor of Law (1960), University of Seville. Diploma from the Hague Academy of International Law (1960), public international law session. Doctor *honoris causa* of the University of Salamanca (2000) and of the University of Oviedo (2001).

Participation in the Academy's Research Centre (1961, on waterways of international interest, and, 1962, on State succession). Research on international law at the United Nations Library in Geneva (1961, 1970), at the Peace Palace Library in The Hague (1964, 1967, 1980, 1986) and at the Max-Planck Institute in Hamburg (1976).

Teaching Assistant at the Universities of Seville (1957-1961) and Madrid (1961-1963). Deputy Professor at the University of Madrid

(1963-1972). Professor of international public and private law at the University of Oviedo (1972-1979). Professor of private international law (since 1979). Dean of the Faculty of Law (1980-1982) and Rector (1982-1984) of the Universidad Autonoma de Madrid. Member of the Universities Council, following election by the Parliament (1985-July 1992). Member of the Unesco Advisory Committee for Higher Education (1988-1991). Henri Rolin Professor of the Vrije Universiteit Brussel (1984). Visiting Professor at the University of Naples (1989) and the University of Paris II (1990). Lectured at the Hague Academy of International Law (1977) and delivered general course on private international law (1987).

Member of the Spanish Constitutional Court, following election by the Parliament (1992-2001).

Delegate of Spain to the United Nations Conference on the Law of Treaties (1968-1969), to the Preparatory Commission (1971-1973) and to the United Nations Conference on the Law of the Sea (1974). Member of the Spanish delegation in the negotiations with the French Republic concerning the continental shelf delimitation (Paris Convention of 29 January 1974). Delegate of Spain to the Hague Conference on Private International Law (1972, 1976, 1980, 1985 and 1988). President of the Hague Conference Commission for Policy and General Affairs (1988).

Representative of Spain before the International Court of Justice in the advisory opinion on the *Western Sahara* (1975).

Counsel to the Government of the Republic of Honduras in the mediation procedure with the Republic of El Salvador (1976-1980) and in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* before the International Court of Justice (1986-1991). Counsel to the Government of the State of Qatar in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)* (from 1988 until July 1992) and for the Government of the Libyan Arab Jamahiriya in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)* (from 1990 to July 1992) before the International Court of Justice. Counsel to the Government of the Republic of Argentina in the *Laudo entre el Hito 62 y el Monte Fitz Roy* case (from 1990 to July 1992).

Associate (1985) and Member (1995) of the Institut de droit international. Director of the *Revista Española de Derecho internacional* (1991-1997). Vice-President (1986-1991) and President (1991-1993) of the Spanish Association for professors of international law and international relations.

Member of the General Commission for Codification, Ministry of Justice (since 1981). Member of the Executive Board of the Prado Museum (1983-1993).

Author of numerous works on public international law, private international law, EC law and constitutional law.

Judge *ad hoc* Vojin Dimitrijević

(Judge *ad hoc* in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections (*Yugoslavia* v. *Bosnia and Herzegovina*))

Born in Rijeka, Croatia, 7 July 1932.

Doctor juris, University of Belgrade. Doctor of Laws *honoris causa*, McGill University, Montreal. Associé, Institut de droit international.

Professor of International Law and International Relations at the University of Belgrade School of Law (until dismissed in 1998). Visiting professor at the universities of Virginia, Oslo, Lund, Split and Sarajevo. Lectured at many other universities.

Director of the Belgrade Centre for Human Rights. Chairman of the Council of the Belgrade Institute for International Politics and Economy. President of the Yugoslav Association for International Law. Member of the Presidency of the Civic Alliance of Serbia. Member of the Serbian PEN Centre. Member of the Governing Board of JAT-Yugoslav Airlines.

Associate member of the Venice Commission for Democracy through Law, Council of Europe. Member of the Advisory Council of the *Helsinki Monitor* (Utrecht). Member of the International Council of the Foundation on Inter-Ethnic Relations (The Hague).

Former member, Rapporteur and Vice-Chairman of the United Nations Human Rights Committee. Former President of the European Movement in Serbia. Chairman of the former Yugoslav Forum for Human Rights.

Member of the Advisory Board of the *Croatian Law Review*. Member of the Editorial Board of the *International Journal for Not-for-Profit Law* (Washington). Hosted the television show *Kino oko* on Serbian Television. Published numerous film and theatre reviews.

Author of numerous books and articles on international law, *inter alia* on human rights.

Judge *ad hoc* Ian Brownlie

(Judge *ad hoc* in the case concerning *Certain Property* (*Liechtenstein* v. *Germany*))

Born on 19 September 1932.

CBE (Commander of the Order of the British Empire) for services to International Law, Queen's Birthday Honours (1993).

DCL (Oxon) 1976.

Honorary Degree, University of Padua (2001).

Chichele Professor of Public International Law, University of Oxford (1980-1999) (Emeritus Professor, 1999); Joint Editor, *British Year Book* *of International Law* (1973); Senior Editor (1982-2000); Chairman of Editorial Committee (since 2000); General Editor, *Oxford Monographs on International Law*; Associate (1977-1985), Member (since 1985) and third Vice-President (since 2001) of the Institute of International Law; Fellow of the British Academy (since 1979); Fellow of All Souls College, Oxford (1980-1999) (emeritus since 1999); Director of Studies, International Law Association (1982-1991) and Member, Executive Council, International Law Association (since 1991); Member, Council of Management, British Institute of International Law (since 1983); Delegate, University Press, Oxford (1984-1994); Member of the Finance Committee, University Press (1984-1994); Professorial Distinction Award, Oxford University (1989); Chairman of the Disciplinary Court, University of Oxford (1989-1999).

Called to the Bar of Gray's Inn (1958); Queen's Counsel (substantive, not honorary) (1979); Bencher of Gray's Inn (1988).

Member of the International Law Commission (since 1996).

Various appointments as arbitrator, including: party-appointed Arbitrator in *Wintershall AG et al. v. Government of Qatar* Arbitration (1986-1988); President in *Occidental of Pakistan, Inc. v. Islamic Republic of Pakistan* (1988-1989); party-appointed Arbitrator in *Scimitar Exploration Ltd v. People's Republic of Bangladesh* (1993-1994); party-appointed Arbitrator in *Saipem S.P.A. v. Bangladesh Oil Gas and Mineral Corporation* (since 1994); party-appointed Arbitrator in *Indus Pipeline Limited v. Islamic Republic of Pakistan* (1998); President in *Compagnie Minière Internationale Or v. Republic of Peru* (2000-2001); party-appointed Arbitrator in *C.M.E. Czech Republic BV v. Czech Republic* (since 2001); Member of Panel of Arbitrators and Panel of Conciliators, International Centre for the Settlement of Investment Disputes (of the World Bank) (1990-2000); Judge (since 1995) and Elected President (1996) of the European Nuclear Energy Tribunal.

Counsel in the following international arbitrations: *Beagle Channel* case (*Argentina/Chile*) (1974-1977); *Stichting Greenpeace Council v. French State* (1986-1987) (*Rainbow Warrior* compensation); *Case Concerning Red Sea Islands* (*Eritrea/Yemen*) (1996-1999); *Eritrea-Ethiopia Boundary Commission* (since 2000).

Counsel in the following cases before the International Court of Justice: *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*; *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*; *Border and Transborder Armed Actions (Nicaragua v. Honduras)*; *Certain Phosphate Lands in Nauru (Nauru v. Australia)*; *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)*; *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*; *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Libyan Arab Jamahiriya v. United*

States of America); *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*); *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria*); *Kasikili/Sedudu Island* (*Botswana/Namibia*); *Request for Interpretation of the Judgment of 11 June 1998 in the case concerning the* Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Preliminary Objections (*Nigeria* v. *Cameroon*); *Legality of Use of Force* (*Yugoslavia* v. *Belgium*) (*Yugoslavia* v. *Canada*) (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *Netherlands*) (*Yugoslavia* v. *Portugal*) (*Yugoslavia* v. *United Kingdom*); *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*); *Aerial Incident of 10 August 1999* (*Pakistan* v. *India*); *Territorial and Maritime Dispute* (*Nicaragua* v. *Colombia*); *Frontier Dispute* (*Benin/Niger*).

Counsel for Chile in the *Mediation by His Holiness the Pope concerning the Southern Region* (*Argentina/Chile*) (1979-1985).

Head of Botswana Delegation and Co-Chairman, Joint Team of Technical Experts on the Boundary between Botswana and Namibia (1992-1995).

Counsel in the following cases before the European Commission on Human Rights: *Application 8007/77* (*Cyprus* v. *Turkey*) (Admissibility, 1978) (Merits, 1983); *Application 25781/94* (*Cyprus* v. *Turkey*) (Admissibility, 1996) (Merits, 1999); various Applications on behalf of individuals, including leading cases on jurisdiction and admissibility (e.g. *Metropolitan Chrysostomos, Bishop of Kitium* v. *Turkey*; *Loizidou* v. *Turkey*).

Counsel in the following cases before the European Court of Human Rights: *Loizidou* v. *Turkey* (Preliminary Objections, 1994) (Merits, 1995-1996) (Article 50, 1998); *Application 25781/94* (*Cyprus* v. *Turkey*).

Counsel in the following cases before the European Communities: *Commission* v. *IBM* (1982-1984); *Polypropylene case* (1984).

Counsel in several cases before the Iran-United States Claims Tribunal, including *Case A/28* (*United States of America* v. *Iran*) (1999).

International legal expert for the *Lesotho Highlands Water Project* (1983-1987); legal work for at least 35 States.

Order of Bernardo O'Higgins of the Republic of Chile (1986) (for services concerning arbitration and mediation); Commander of the Order of Merit of the Norwegian Crown (1993) (for services in the International Court of Justice).

Principal publications: *International Law and the Use of Force by States*, 1963; *Principles of Public International Law*, 1st ed., 1966, 3rd ed., 1979 (five reprints), 4th ed., 1990 (eight reprints); 5th ed., 1998, Russian edition of the second edition, 1977, Japanese edition of the third edition, 1989; Portuguese edition of the fourth edition, 1998; Chinese and Korean editions in preparation (the second edition of this work received the award of the Certificate of Merit of the American Society of International Law in 1976); *African Boundaries: A Legal and Diplomatic Encyclopedia*, 1979; *System of the Law of Nations: State Responsibility*, Part I, 1983; *Basic Documents in International Law*, 1st ed., 1967, 4th ed., 1995, 5th ed., 2002; *Basic Documents on Human Rights*, 1st ed., 1971, 2nd ed., 1981, 3rd ed., 1992, 4th ed., 2002 (with G. Goodwin-Gill). *The Rule of Law in International Affairs*, 1998.

Invited to give the General Course of lectures on Public International Law at the Hague Academy of International Law in 1995 (in celebration of the fiftieth anniversary of the United Nations). Rapporteur of the Institute of International Law on the topic "Jurisdictional Immunities of States", 1982-1991. Life Member and Counsellor of the American Society of International Law.

Judge *ad hoc* Prince Bola Adesumbo AJIBOLA

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*)

Born to the Royal Family of Gbdaela II, on 22 March 1934, in Ago-Owu, Abeokuta, Ogun State, Nigeria.

Called to the Bar, Lincoln's Inn, 1962 (Barrister-at-Law); holds Bachelor of Laws Degree of London University; LL.D. *(honoris causa)* of the University of Buckingham (Chancellor the Rt. Hon. Baroness Margaret Thatcher) (1996).

Legal practitioner for 23 years, mostly in Lagos and also in all other parts of Nigeria; Principal Partner of Bola Ajibola and Co., with offices in Lagos, Ikeja, Abeokuta and Kaduna (specialization: commercial law practice with particular bias for international arbitration).

Attorney-General and Minister of Justice of the Federal Republic of Nigeria (1985-1991); President of the Association of Arbitrators of Nigeria (1974-1999); President of the Nigerian Bar Association (1984-1985); conferment of an Award of Senior Advocate of Nigeria (1986); Chairman of the Body of Senior Advocates of Nigeria (1985-1991); Chairman of the Disciplinary Committee of the Bar (1985-1991); Chairman of the General Council of the Bar (1985-1991); Chairman of the Advisory Committee on the Prerogative of Mercy (1985-1991); Member of the Advisory Judicial Committee (1985-1991); Member of the Judicial Service Committee (Abuja) (1987-1991); Vice-Chairman of the Body of Benchers (1989-1990); Chairman of the Body of Benchers (1990-1991); Member of the Nigeria Police Council (1989-1991); Chairman of the Task Force for the Revision of the Laws of the Federation (1990). Chairman, Council of Legal Education (1998-1999).

Leader of the Nigerian Delegation to the United States of America to Initial an Executive Agreement on Procedure for Mutual Assistance on Law Enforcement Matters (1987) and of the Delegation to conclude a Treaty on Mutual Assistance in Criminal Matters with the United

Kingdom (1989), of the Delegation to the United Kingdom to conclude a Treaty concerning the Investigation and Prosecution of Crime and the Confiscation of the Proceeds of Crime (1989), and of the Delegation to the Islamic Republic of Iran and to Algeria, for bilateral talks on Technical and Legal Co-operation (1991).

Member of the Nigerian Delegation to the United Nations General Assembly and Nigerian representative to the Sixth Committee (1986); temporary President of the United Nations General Assembly at its seventeenth special session on narcotic drugs (1990); Member of the International Law Commission (1986-1991).

Member of the International Court of Justice from 5 December 1991 to 5 February 1994; Judge *ad hoc* in the case concerning the *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the* Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections (*Nigeria* v. *Cameroon*).

Vice-President and Member of the World Bank Administrative Tribunal; Member of the Constitutional Court of the Federation of Bosnia and Herzegovina (1995-2001); Member of the United Nations Compensation Commission (1994-2000).

Member of the Permanent Court of Arbitration (The Hague), of its Steering Committee and of the Board of Trustees of its Financial Assistance Fund; Member of the International Chamber of Commerce Court of Arbitration, Paris (1976-2000); Member of the International Maritime Arbitration Commission, Paris; Member of the Board of the London Court of International Arbitration; Member of the Pan-African Council of the London Court of International Arbitration (1994-1999). Member of the Court of Arbitration for Sport: CAS *Ad Hoc* Division for the Commonwealth Games in Kuala Lumpur (1998); Olympic Games in Sydney (2000).

Initiated the first ever African Law Ministers Conference, Abuja (1989) (attended by 32 African countries); Chairman of Meeting of ECOWAS Council of Law Ministers, Lagos, Nigeria (1990), where the Treaty Establishing the Court for the Economic Community of West African States was drafted and agreed to by ECOWAS law ministers; leader of the Nigerian Delegation to the Ethiopian All-Party Conference on Peaceful and Democratic Transition (1991); Chairman of the First Meeting of the Working Committee, All-Africa Law Ministers Conference, Cairo (1991); Member of the Nigerian Delegation to the World Peace through Law Conferences in Seoul, South Korea (1987), and Beijing, China (1990); leader of the Nigerian Delegation to the World Conference on the Reform of Criminal Law, Canada (1987), to the Commonwealth Law Conference in Auckland, New Zealand (1990) and the Commonwealth Law Ministers Conference in Christchurch, New Zealand (1990); leader of the Nigerian Delegation to the World Ministerial Drugs Summit on Action to Reduce the Demand for Drugs and to Combat Cocaine Threat, London (1990), and to the 17th Session of the Asian African Legal Consultative Committee in Cairo (1991). President of the World Association of Judges.

Represented Africa in the demonstration trial on the law of the sea at the World Peace through Law Conference (Manila, 1977); Fellow of the Chartered Institute of Arbitrators; Fellow of the Nigerian Institute of Advanced Legal Studies; Friend of the Institute of Advanced Legal Studies, London; Honorary Vice-President of the Association of Arbitrators (South Africa).

Member of the Governing Board of the International Maritime Law Institute of the International Maritime Organization (IMO); Member of the Board of Directors of the International Development Law Institute, Rome.

President and Founder of "African Concern" (a non-political, non-religious, non-profit-making, non-governmental organization), Lusaka, Zambia (1995). President and Founder of "Islamic Movement for Africa" (IMA) (1996).

Editor, *Nigeria's Treaties in Force*, 1970-1990; Editor, *All Nigeria Law Reports*, 1961-1990; Editor-in-Chief, *Justice* (a monthly journal of contemporary legal problems); General Editor of the *Federal Ministry of Justice Law Review Series (FMJLRS)*; Member of the Editorial Advisory Board of the University of Buckingham.

Publications include: *Principles of Arbitration*, 1980; *New Concepts in the Resolution of Disputes in International Construction Contracts*, 1981; *Work Paper on International Commercial Arbitration*, 1982; *Arbitration and State Enterprises – Case Study of Nigerian Cement Transactions*, 1983; *Modernization of National Arbitration Laws in Aid of International Commercial Arbitration*, 1984; *The Law and Settlement of Commercial Disputes*, 1984; *Law Development and Administration in Nigeria*, 1987; *Towards a Better Administration of Justice System in Nigeria*, 1988; *Integration of the African Continent through Law*, 1988; *Narcotics: Law and Policy in Nigeria*, 1989; *Compensation and Remedies for Victims of Crime*, 1989; *Banking Frauds and Other Financial Malpractices in Nigeria*, 1989; *Women and Children under Nigerian Law*, 1990; *Scheme relating to Mutual Assistance in Criminal Matters and the Control of Criminal Activities within Africa*, 1990; "Human Rights under Military Rule in Africa: The Nigerian Experience" in *Essays in Honour of Judge Taslim Olawale Elias*, 1991. Gave a series of lectures on human rights in Accra, Ghana, under the auspices of the Ghana Bar Association, entitled: "Human Rights Agenda for a Stable 21st Century". Author of numerous articles and conference papers.

1987 World Jurist Award (under the auspices of World Peace through Law at Seoul); Senior Advocate of Nigeria; Recipient of 1986 Ogun State of Nigeria Outstanding Citizen Merit Award; Life Member, Nigerian Institute of International Affairs; Life Member, Body of Benchers, Nigeria; Knight of the Order of the British Empire; Patron of the Nigerian Society of International Law. Honorary Bencher of the Honourable Society of Lincoln's Inn, London. Commander of the Order of the Federal Republic (Nigerian National Award of high distinction).

Judge *ad hoc* Yves L. Fortier

(Judge *ad hoc* in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*)

Born in Quebec, Canada, on 11 September 1935.

Bachelor of Arts *summa cum laude* of the University of Montreal (1955). Bachelor of Civil Law, McGill University (1958); and Bachelor of Letters as a Rhodes Scholar at Oxford University (1960). Doctor of Laws *honoris causa*, the Law Society of Upper Canada (1989), Acadia University (1992), the University of British Columbia (1993) and the University of Montreal (1999).

Admitted to the Bar of the Province of Quebec (1961). Joined at that time the predecessor firm of Ogilvy Renault of which he is Chairman since 1992. Queen's Counsel (1976). Officer of the Order of Canada (1984); elevated to the level of Companion in the Order (1991). Awarded the Médaille d'Or of the Quebec Bar (1992). President's Award of the Canadian Bar Association (1993).

Pleaded important cases before all court jurisdictions in Canada and before domestic as well as international arbitral panels.

Served as an arbitrator on many international arbitration panels constituted by various arbitration centres, including the International Chamber of Commerce (Paris), the London Court of International Arbitration, the American Arbitration Association, the Chamber of Commerce of Zurich and the International Centre for the Settlement of Investment Disputes (ICSID).

Counsel for Canada before the International Court of Justice in the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (1984).

Since being called to the Bar, has served as Counsel to many Royal Commissions and Commissions of Inquiry in Canada. Canada's Chief Negotiator in the Canada-France fishing dispute (1987-1989). Counsel for Canada before the *ad hoc* International Panel of Arbitrators constituted to determine the maritime boundary between Canada and France in the North Atlantic (1991). Canada's Chief Negotiator for the Canada-United States Pacific Salmon Treaty negotiations (1993-1998). Special Negotiator of the Government of Quebec to the Cree Nation (1993). Appointed by the Security Council of the United Nations as Chairman of Panel C of the United Nations Compensation Commission in Geneva (Iraq-Kuwait) (1993) and of Panel F-3 E/F (1999). Counsel for Canada in the mediation of the Canada-United States Pacific Salmon dispute (1995). Secretary-General's Special Envoy to Malaysia (1997). Member of the Claims Resolution Tribunal for Dormant Accounts in Switzerland (1998). Member of the Board of the International Accounting Standards Committee (since May 2000).

Canada's Ambassador and Permanent Representative to the United

Nations in New York (1988-1992). Canada's Chief Delegate to the 43rd, 44th, 45th and 46th Sessions of the United Nations General Assembly (1988-1991). Vice-President of the 45th General Assembly (1990). Canada's Representative to the Security Council of the United Nations (1989-1990). President of the Council (1989).

Member of the Board of Directors of Alcan Inc., the Royal Bank of Canada, Hudson's Bay Company, Nortel Networks Corporation, Nova Chemicals Corporation, DuPont Canada Inc. and TVA Inc. Group. Former Governor of McGill University and former administrator of the Institut neurologique de Montréal and of the Institut de recherches cliniques de Montréal. Member of the Board of Directors of several non-profit organizations including the Council for Canadian Unity, the C. D. Howe Institute, the Canadian Foundation for AIDS research (CANFAR) and the Canadian Institute for Advanced Legal Studies. One of the Founding Directors of the Canadian Bar Association Law for the Future Fund and Honorary Patron of the International Centre for Human Rights and Democratic Development. Member of the Board of Directors of the International Peace Academy and the United Nations International School. Member of the Executive Board of the International Association of Permanent Representatives to the United Nations (1989).

Member of numerous professional organizations, including the Canadian Bar Association, which he headed as National President in 1982-1983, the American Bar Association (honorary), the International Commission of Jurists (Canadian Section), the International Bar Association, the Union Internationale des Avocats, the ICC Institute of International Business Law and Practice, the International Law Association (Canadian Branch), the American College of Trial Lawyers (member of the Board of Regents, 1992-1996) and the American Society of International Law.

During past years, has concentrated activities in the field of international arbitration. President of the London Court of International Arbitration (1998-2001). Member of numerous institutions for international arbitration. Member of the CPR International Panel of Distinguished Neutrals, the Quebec National and International Commercial Arbitration Centre (Chairman, Committee of Experts), the British Columbia International Commercial Arbitration Centre (member, Panel of Arbitrators), the International Council for Commercial Arbitration (ICCA), the Court of Arbitration for Sport (CAS), the Legal Service and Research Centre (LSRC), and the International Arbitration Club (London). Has been appointed in 2001 by the President of the Board of Directors of the ICSID as conciliator and arbitrator.

Member of the Permanent Court of Arbitration (1984-1989). Legal Adviser to the Commission on Civil Governance in Geneva (1992-1995). Member of the Trilateral Commission (member of the North American Executive Committee (since 1993)).

Judge *ad hoc* Christopher J. R. DUGARD

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda))*

Born in Fort Beaufort, South Africa, on 23 August 1936.

B.A. (1956) and LL.B. (1958), University of Stellenbosch; LL.B. (1965), Diploma in International Law (1965) and LL.D. (1980), Cantab.; LL.D. *(honoris causa)* of the Universities of Natal (1990) and of Cape Town (1996).

Lecturer in Law, University of Natal, Durban (1961-1963). Senior Lecturer in Law (1965-1969); Professor of Law (1969-1998); Chairman of the Governing Committee of the School of Law (1972-1974, 1978); Dean of the Faculty of Law (1975-1977); Director of the Centre for Applied Legal Studies (1978-1990) and Professor Emeritus (since 1998) of the University of the Witwatersrand. Professor, honorary, University of Pretoria (since 2000). Professor, honorary, University of the Western Cape (since 2001).

Tutor in Roman Dutch Law, University of Cambridge (1964-1965); Visiting Professor of Public and International Affairs, Woodrow Wilson School of Public and International Affairs, University of Princeton (taught course in Comparative Civil Rights) (1969); Visiting Professor of Law, Duke University (taught courses in Jurisprudence, International and Criminal Law) (1974-1975); Visiting Professor of Law, University of California, Berkeley (Boalt Hall) (taught course in International Protection of Human Rights) (1981); Visiting Fellow, Research Centre for International Law, University of Cambridge (1985); Visiting Professor of Law, University of Pennsylvania (taught courses in International Law and International Human Rights Law) (1989); Visiting Professor of Law, University of New South Wales, Australia (taught course in International Law) (1991); Arthur Goodhart visiting Professor of Legal Science, University of Cambridge (taught LL.M. course in International Criminal Law) (1995-1996); Fellow, Sidney Sussex College, Cambridge (1995-1997); Director, Lauterpacht Research Centre for International Law, University of Cambridge (1995-1997); and Professor of Public International Law, University of Leiden (since 1998).

Admitted as an advocate of the Supreme Court of South Africa (1959); practised at the Durban Bar (1961-1963); part-time consultant and advocate, principally in the fields of international law, human rights and constitutional law (since 1963); appointed Senior Counsel (since 1998).

President of the South African Institute of Race Relations (1978-1980); Member of National Administrative Committee of the South African Institute of International Affairs (1987-1997); Founder and Member of the National Council of Lawyers for Human Rights (1980-1991); Commissioner of the Human Rights Commission (1988-1989); Board

Member of the Independent Board of Inquiry (1990-1994); Chancellor to Bishop Tutu, Diocese of Johannesburg (Anglican) (1985-1987); Member of the Council of the University of Fort Hare (1990-1998); Member of the Technical Committee for Investigating the Repeal or Amendment of Legislation Impeding Free Political Activity and Discriminatory Legislation (part of negotiations for Interim Constitution) (1993); Member of the Technical Committee to advise the Constitutional Assembly on the Drafting of a Bill of Rights for the 1996 Constitution (1995).

Member of the Study Committee on International Protection of Human Rights of the American Society of International Law (1973-1975); Member of the Committee on International Terrorism, International Law Association (1974-1984); Member of the Committee on Extradition and International Terrorism (1985-1988); Co-Rapporteur to the Committee on Extradition and Human Rights (1992-1998); President of the South African Branch of the International Law Association (1993-1995, 1998); Member of the Governing Body of the African Society of International and Comparative Law (since 1995). Member of Institut de droit international (since 1999). Member of the International Law Commission (since 1996); Rapporteur and Member of the Bureau (1997-1998); Special Rapporteur on Diplomatic Protection (since 1999). Member of Panel of Experts for Study on Customary Rules of International Humanitarian Law of the International Committee of the Red Cross (1997). Chairman of the Inquiry Commission established by the Commission on Human Rights to investigate violations of Human Rights and Humanitarian Law in the Occupied Palestinian Territories (2000-2001); Special Rapporteur to the Commission on Human Rights on the situation of Human Rights in the Occupied Palestinian Territories (2001).

Author of numerous books and articles on international law.

Judge *ad hoc* Budislav VUKAS

(Judge *ad hoc* in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Yugoslavia)*)

Born in Rijeka/Sušak, Croatia, on 1 January 1938.

LL.B. (1961), LL.M. (1965), Doctor of Law (International Law) (1974), Faculty of Law, University of Zagreb; attended courses at the Hague Academy of International Law (1961 and 1968-1970); participated in the Centre of the Academy for Studies and Research (International Law and International Relations) (1967).

Professor of Public International Law, Faculty of Law, University of Zagreb (Assistant 1963-1970, Lecturer 1970-1974, Assistant Professor

1974-1977, Professor since 1977); lectured at the Universities of Belgrade, Bologna, Boston, Brest, Ljubljano, Maribor, Milan, Osijek, Paris, Parma, Rijeka, Rome, Split, Thessaloniki, Tilburg and Valletta; directed a course on the law of the sea at the Dubrovnik Inter-University Centre (1984-2001); delivered a course on "States, Peoples and Minorities" at the Hague Academy of International Law (1992); delivered courses at the Rhodes Academy of Oceans Law and Policy (1999, 2000 and 2001). Consultant for UNEP, Nairobi (1981 and 1991) and its Co-ordinating Unit for the Mediterranean Action Plan, Athens (1985 and 1990); participated in: Third United Nations Conference on the Law of the Sea (1975-1982); Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (1984-1990 and 1994); International Seabed Authority (1994-1996); Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1994-1996); the Sixth Committee of the United Nations General Assembly (1990, 1991, 1995); Working Group on the United Nations Decade of International Law of the Sixth Committee of the United Nations General Assembly (chairman 1990); CSCE Conference on the Human Dimension, Copenhagen Meeting (1990); CSCE Meeting of Experts on National Minorities, Geneva (1991); World Conference on Human Rights, Vienna (1993); 26th International Conference of the Red Cross and Red Crescent (1995).

Member of the Permanent Court of Arbitration (1989-1991 and since 1999); the International Tribunal for the Law of the Sea (since 1996); the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation (since 1985); the Commission of Inquiry formed under Article 26 of the Constitution of the International Labour Organisation to examine the observance by Romania of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (1989-1991); the Court of Conciliation and Arbitration within the OSCE (since 1995); and the European Commission for Democracy through Law (1990-1991).

Associate Member (1991-1997) and Member (since 1997) of the Institut de droit international. Member of the Croatian Society of International Law (since 1961); the Société française pour le droit international (since 1978); the Argentine Society of International Law (since 2002); the Croatian Academy of Juridical Sciences (established in 2001); the International Council of Environmental Law, Bonn (since 1978), regional governor (since 2000); the Scientific Council of the European Institute for Marine Studies, Brest, France (since 1997); and the Scientific Council of the Institut de droit économique de la mer, Monaco (since 2000).

Author of numerous books, monographs, articles and papers in various fields of public international law, in particular law of the sea, international environmental law, international protection of human rights and national minorities, including *The Relativity of Treaties* (in Croatian), 1975; *Ethnic Minorities and International Relations* (in Croatian), 1978; *The New*

Law of the Sea (ed., in Croatian), 1982, *Essays on the New Law of the Sea*, Vols. I-III (ed.), 1985-1996, *The Legal Regime of Enclosed or Semi-Enclosed Seas. The Particular Case of the Mediterranean* (ed.), 1988, *International Law*, Vol. I (with J. Andrassy and B. Bakotić, in Croatian), 1995.

Judge *ad hoc* Giorgio Gaja

(Judge *ad hoc* in the cases concerning *Legality of Use of Force (Yugoslavia* v. *Italy)* and *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras*))

Born in Lucerne, Switzerland, on 7 December 1939. Italian nationality.

Degree in law, University of Rome (1960). *Libera docenza* in international law (1968). Honorary Doctor of Law, Dickinson Law School (1985).

Professor of International Law, University of Florence (since 1974). Dean of the Law School (1978-1981).

Lecturer, Hague Academy of International Law (1981). Part-time Professor, European University Institute (1980 and 1984-1985). Visiting Professor, Johns Hopkins University (1977-1978), University of Geneva (1983 and 1985), University of Paris I (1989 and 2000), University of Aix-Marseille III (1992), Graduate Institute of International Studies (2001); University of Michigan School of Law (1992), and Columbia Law School (1996).

Member of the International Law Commission (since 1999). Delegate of the Italian Government to the Vienna Conference on the Law of Treaties between States and International Organizations and between International Organizations (1986). Counsel to the Italian Government in the *ELSI* case before the International Court of Justice.

Member of the Institut de droit international. Editor of the *Rivista de diritto internazionale*. Member of the Advisory Board of the *Common Market Law Review*, *European Journal of International Law* and *Columbia Journal of European Law*.

Principal publications: *L'esaurimento dei ricorsi interni nel diritto internazionale*, 1967; *La deroga alla giurisdizione italiana*, 1971; *International Commercial Arbitration. The New York Convention* (edited looseleaf volumes), 1978 (updated); *Introduzione al diritto comunitario*, 2nd ed., 1999; "River Pollution in International Law", *Hague Academy of International Law Colloquium, The Protection of the Environment and International Law*, 1975; "Considerazioni sugli effetti delle sentenze di merito della Corte internazionale di giustizia", *Comunicazioni e studi*, Vol. XIV, 1975; "Reservations to Treaties and the Newly Independent States", *Italian Yearbook of International Law*, Vol. I, 1975; "The European Community's Participation in the Law of the Sea Convention: Some Incoherencies in a Compromise Solution", *Italian Yearbook of*

International Law, Vol. 5, 1980-1981; "Jus Cogens beyond the Vienna Convention", Hague Academy of International Law, *Recueil des cours*, Vol. 172, 1981; "The European Community's Rights and Obligations under Mixed Agreements", *Mixed Agreements*, 1983; "Effets directs et réciprocité dans la jurisprudence concernant l'accord entre la Communauté européenne et la Suisse", *Annuaire suisse de droit international*, Vol. XL, 1984; "Instruments for Legal Integration in the European Community — A Review" (with P. Hay and R. D. Rotunda), *Integration through Law. Europe and the American Federal Experience*, 1986, Vol. 1.2; "Principi generali del diritto (diritto internazionale)", *Enciclopedia del diritto*, Vol. XXXV, 1986; "Unruly Treaty Reservations", *International Law at the Time of Its Codification. Essays in Honour of Roberto Ago*, 1987, Vol. I; "Italy", *The Effect of Treaties in Domestic Law*, 1987; "A 'New' Vienna Convention on Treaties between States and International Organizations or between International Organizations: A Critical Commentary", *British Year Book of International Law*, Vol. 58, 1987; "Obligations Erga Omnes, International Crimes and Jus Cogens: A Tentative Analysis of Three Related Concepts", *International Crimes of States*, 1989; "New Developments in a Continuing Story: The Relationship between EEC Law and Italian Law", *Common Market Law Review*, Vol. 27, 1990; "Measures against Terrorist Acts under International Law", *Maritime Terrorism and International Law*, 1990; "Positivism and Dualism in Dionisio Anzilotti", *European Journal of International Law*, Vol. 3, 1992; "Réflexions sur le rôle du Conseil de sécurité dans le nouvel ordre mondial. A propos des rapports entre maintien de la paix et crimes internationaux des Etats", *Revue générale de droit international public*, 1993; "La Convention européenne des droits de l'homme dans les ordres juridiques des Etats membres de la Communauté européenne", *Grundrechtsschutz im europäischen Raum*, 1993; "Beyond the Reasons Stated in Judgments", *Michigan Law Review*, Vol. 92, 1993-1994; "The Protection of Human Rights under the Maastricht Treaty", *Institutional Dynamics of European Integration. Essays in Honour of Henry G. Schermers*, 1994, Vol. II; "Use of Force Made or Authorized by the United Nations", *The United Nations at Age Fifty. A Legal Perspective*, 1995; "Some Reflections on the European Community's International Responsibility", *The Actions for Damages in Community Law*, 1997; "Identifying the Status of General Principles in European Community Law", *Scritti in onore di Giuseppe Federico Mancini*, 1998; "How Flexible Is Flexibility under the Amsterdam Treaty?", *Common Market Law Review*, Vol. 35, 1998; "Restraints Imposed by European Community Law on the Treaty-Making Power of the Member States", *Dealing with Integration*, Vol. 2, 1998; "Does the European Court of Human Rights Use Its Stated Methods of Interpretation?", *Studi in onore di Francesco Capotorti*, 1999; "Trattati internazionali", *Digesto delle discipline pubblicistiche*, Vol. XV, 1999; "New Instruments and Institutions for Enhancing the Protection of Human Rights in Europe?", *The EU and Human Rights*, 1999; "Expulsion of Aliens: Some Old and New Issues in International Law", *Cursos Euromediterráneos Bancaja de Derecho Internacional*, Vol. III, 1999. "Deliberating on Questions of Jurisdiction in the International Court of Justice", *Liber Amicorum Judge Shigeru Oda*, 2002; "The Long Journey towards Repressing Aggression", *The Rome Statute of the International Criminal Court: A Commentary*, 2002.

Judge *ad hoc* Joe VERHOEVEN

(Judge *ad hoc* in the cases concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born in Brussels, Belgium, on 12 March 1943.

Doctor of Law (1965) and Agrégé de l'enseignement supérieur (1975).

Former ordinary Professor at the Catholic University of Louvain. Professor at the University of Paris II-Panthéon Assas (since 2000). Professor at the St. Louis University Faculties (Brussels). Law Faculty Course Director for Public International Law and European Community Law (with Mr. Wathelet since 1997), and specialist teaching in these two disciplines.

Member of the Research Council of the Catholic University of Louvain; (President since 1998) of the Commission des sciences juridiques du Fonds national de la recherche scientifique.

Attendance at numerous conferences and teaching abroad (notably: Aix-Marseille, Bordeaux, Hitotsubashi University, Institut universitaire des hautes études internationales (Geneva), New York University, Ottawa, Paris I, Paris II, University of California (Los Angeles)); Visiting Scholar at Stanford Law School (1998).

Teaching at the Hague Academy of International Law (Private International Law Section) in 1985; invited to give the 2002 general course on public international law.

Member of various learned societies (Member-elect of the Council of the French Society for International Law); Member of the editorial board of various law periodicals (including the *Annuaire français de droit international*).

Member of the Permanent Court of Arbitration; expert adviser to the Centre for the Prevention of Conflict in the Organisation for Security and Co-operation in Europe (OSCE).

Participated — as counsel or, in one case, as arbitrator — in certain international arbitrations, *ad hoc* or ICC; State's counsel for Iran in several cases before the Iran-United States Claims Tribunal; various consultative positions.

Member (since 1991) of the Institute of International Law (elected Associate at Helsinki in 1985).

Winner of the Charles De Trooz prize (1965) (for an essay on Luise Rinser), the Henri Rolin prize (1976) (for a work on international recognition) and the Fondation E. de Laveleye prize 1993-1998 (Royal Academy of Belgium).

Author of the following monographs: *La reconnaissance internationale dans la pratique contemporaine. Les relations publiques internationales*, 1975. "Les nullités du droit des gens", *Droit international*, Institut des hautes études internationales de Paris, 1981; "Relations internationales de droit privé en l'absence de reconnaissance d'un Etat, d'un gouvernement ou d'une situation", *Recueil des cours*, Hague Academy of International Law, Vol. 192, 1985; *The Antarctic Environment and International Law* (published in collaboration with Ph. Sands), 1992; *Droit de la Communauté européenne*, 1996, 2nd ed., 2000; *Public International Law*, 2000; and almost 150 legal articles, commentaries or essays in various Belgian or foreign publications or collective works including: "Contrats entre Etats et ressortissants d'autres Etats", *Le contrat économique international, Stabilité et évolution, VIIes Journées d'études juridiques Jean Dabin*, 1975; "L'Etat et l'ordre juridique international. Remarques", *RGDIP*, 1978; "Droit international des contrats et droit des gens", *RBDI*, 1978-1979; "La notion d'applicabilité directe du droit international", *RBDI*, 1980; "Sanctions internationales et communautés européennes. A propos de l'affaire des îles Falkland (Malvinas)", *Cah. dr. europ.*, 1984; "Sur les conflits de lois en droit des gens", *Journal du droit international*, 1984; "Le droit, le juge et la violence. Les arrêts Nicaragua *v.* United States", *Rev. gén. dr. int. public*, 1987; "Sur la Palestine en droit international privé, note sous AG Neumünster", *Revue critique de droit international privé*, 1988; "Etats alliés ou Nations Unies. L'ONU face au conflit entre l'Irak et le Koweit", *AFDI*, 1990; "Sur la récupération à l'étranger des sommes détounées par d'anciens chefs d'Etat", *Mélanges Lalive, Helbing et Lichtenhahn, Bâle-Francfort*, 1993; "Les citoyens de l'Europe", *Annales dr. Louvain*, 1993; "Sovereign States: A Collectivity or a Community?", *Hitotsubashi Journal of Law and Politics*, 1994; "La reconnaissance internationale: déclin ou renouveau?", *AFDI*, 1993; "Human Rights, Intervention and Universality", *Hungdah Chiu et al., Proceedings of the International Law Association (ILA), First Asian-Pacific Regional Conference*, 1995; "Les principales étapes de la protection internationale des minorités", *Rev. trim. Dr. H.*, 1997; "L'application ou la prise en considération des directives communautaires en droit belge, note sous Cass., 2 Dec. 1996", *Rev. crit. j. b.*, 1998; "La Communauté européenne et la sanction internationale de la démocratie et des droits de l'homme", *Liber Amicorum Mohammed Bedjaoui*, 1999; "Jus Cogens and Reservation or 'Counter-Reservations' to the Jurisdiction of the International Court of Justice", in K. Wellens (ed.), *International Law: Theory and Practice, Essays in Honour of E. Suy*, 1998; "Mr. Pinochet, la coutume internationale et la compétence universelle, note sous Civ. Bruxelles, 6 Nov. 1998", *JT*, 1999.

Judge *ad hoc* James L. Kateka

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born on 25 April 1945 in Karagwe District, Tanzania.

Bachelor of Laws Degree with Honours, University College Dar es Salaam of the University of East Africa (1970); Master of Laws (specializing in international law), King's College, University of London (1974).

Career diplomat who joined Tanzania's Ministry of Foreign Affairs in 1970: Third Secretary in the Protocol and Treaties Division (1970-1973); Second Secretary and Head of the Legal Section (1973-1975); First Secretary (1976-1978) and Counsellor (1978-1980) of the Tanzanian Mission to the United Nations in New York; Counsellor and later Minister Plenipotentiary serving as Head of the Treaties Section in the Ministry of Foreign Affairs (1980-1983); Director of the Ministry's Department for Legal Affairs and International Organizations (1983-1989). Ambassador of Tanzania to the Federal Republic of Germany, concurrently accredited to Austria, the Holy See, Poland, Romania and Switzerland (1989-1994). Ambassador of Tanzania to the Russian Federation (1994-1998). Ambassador of Tanzania to Sweden, concurrently accredited to the other Nordic countries of Denmark, Finland, Norway and Iceland and the Baltic Republics of Estonia, Latvia and Lithuania (since 1998).

Attended twelve sessions of the United Nations General Assembly between 1976 and 1988 and in 1996. Served in the Sixth Committee (Legal) and in the First Committee. Attended as a specialist in the law of the sea all sessions of the Third United Nations Conference on the Law of the Sea (1973-1982). Attended all sessions of the United Nations Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea (1983 and 1993). Participated in the first session of the Assembly of the International Seabed Authority in Kingston, Jamaica (1994 and 1995). Attended all sessions of the United Nations Committee for the Peaceful Uses of the Seabed beyond the Limits of National Jurisdiction (this Committee prepared for the Third United Nations Conference on the Law of the Sea, 1971 and 1973). Tanzania's delegate to the Stockholm Conference on the Human Environment, which was the first such global conference (1972). Participated in the London Conference which drafted the Anti-dumping Convention (1972). Took part in the IMCO (now IMO) Conference on the Marine Pollution Convention (1973). Head of Tanzania's delegation to the Diplomatic Conference on Territorial Asylum in Geneva (1977) and to the conference which adopted the Vienna Convention on Succession of States in respect of Treaties (1978). Took part in the Commonwealth Heads of Government meeting in New Delhi (1983). Attended the United Nations conference on Women, in Nairobi (1985), and the 25th Session of the Asian African Legal Consultative Committee

(AALCC) which met in Arusha, Tanzania (1985). Tanzania's representative in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations; the *ad hoc* committee for the drafting of a convention against the taking of hostages and the conference which adopted the convention; and the *ad hoc* committee on the Indian Ocean as a zone of peace.

Partner in the law firm of South Law Chambers (Dar es Salaam). Has published articles and lectured on international law, including on the law of the sea and on human rights.

Awarded the Papal Honour of the Grand Cross with the Star of the Order of Pius the Ninth in 1993 by Pope John Paul II. Member of the United Nations International Law Commission (since 1997).

Judge *ad hoc* Milenko KREĆA

(Judge *ad hoc* in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia), Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Yugoslavia)* and the cases concerning *Legality of Use of Force (Yugoslavia* v. *Belgium) (Yugoslavia* v. *Canada) (Yugoslavia* v. *France) (Yugoslavia* v. *Germany) (Yugoslavia* v. *Italy) (Yugoslavia* v. *Netherlands) (Yugoslavia* v. *Portugal) (Yugoslavia* v. *United Kingdom)*)

Born in Sisak, Croatia, on 19 August 1947.

Received M.A. and Ph.D. (LL.D.) degrees *cum laude* from the School of Law, Belgrade University.

Upon graduation, practised law as an attorney (1973-1974).

Assistant Professor (1975), Docent (1978) and Associate Professor (1985) at the Belgrade School of Law. Full-time Professor of International Public Law (1990) and Associate Dean (1989-1991) at the Belgrade School of Law. Head of Chair of International Law and International Relations at the Faculty of Law in Belgrade (since 1997); Director of the Institute for International Politics and Economics (1997-2000); President of the Council of the Institute for Comparative Law (1997-2000); Member of the Federal Commission for Harmonization of FRY Law with the Laws of EU, EC and WTO (since 1998); Member of the Board of the Faculty of Law in Belgrade (1998-2000).

Arbitrator of the Permanent Arbitration at the Commercial Chamber of the Republic of Serbia (since 2000); President of the Scientific Council for Legal and Political Sciences at the Belgrade University (since 1999).

Was on several occasions legal adviser to the Ministry of Foreign Affairs and Government of the Federal Republic of Yugoslavia and to other organs of the Republic of Serbia and the Federal Republic of Yugoslavia.

Founder and Editor in Chief of the *Review of EU Legislation* (Belgrade, Institute for International Politics and Economics).

Principal publications: *Practical Course in International Law* (co-author), 1980; *International Public Law* (co-author), 1983, 1986, 1989, 1990, 1991, 1993, 1996; *Sources of International Public Law*, 1979, 1985; *Treaty-making Power of the State in International Law, with a Special Review of Federal States*, 1988; *Absolutely Binding Norms (Ius Cogens) in International Public Law*, 1989; *Material for International Public Law*, I-III (co-author), 1988-1989; *Law of the Sea – Scientific Research of the Sea and Transfer of Marine Technology*, 1990; *Treaty-making Power of the State in International Law*, 1991. Author of over 70 articles and papers in Serbian and foreign languages, including: "Some General Reflections on Main Features of *Ius Cogens* as a Notion of International Public Law", in *New Directions in International Law, Essays in Honour of W. Abendroth*, 1982; "Quelques observations sur le problème de la hiérarchie des règles de droit dans le droit international public", in *Yugoslav Review of International Law*, No. 1, 1980; "Constitutional Provisions Regulating Activity of Federal Units in International Relations", in *Yugoslav Review of International Law*, No. 1, 1992; "A Few Remarks on Theoretical Basis of the New Law of the Sea", *Liber Amicorum Judge Shigeru Oda*.

Judge *ad hoc* Sead HODŽIĆ

(Judge *ad hoc* in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*)

Born in Travnik (Bosnia and Herzegovina) on 10 July 1948.

Faculty of Law in Zagreb (1971). The Best Student of the Faculty University Award (1969). Bar examination (1973).

Visiting lecturer at the Law Faculty in Sarajevo (1996-1998).

Participated, as an expert, in the drafting of several laws in Bosnia and Herzegovina (Criminal Law, Law on Criminal Procedure, etc.).

Judge (1973-1980), President (1980-1983) of the Municipal Court, Travnik. Judge of the Supreme Court of Bosnia and Herzegovina (1983-1990). In that capacity, presiding Judge of the Five-Judge Panel and head of the Court Practice Division of the Supreme Court of Bosnia and Herzegovina.

Federal Assistant Minister of Justice of the former Socialist Federative Republic of Yugoslavia (SFRY) (1990-March 1992). President of the Legislative Commission of the House of Representatives – Parliament – of the Federation of Bosnia and Herzegovina (1996-2000). Assistant

Minister for Civil Affairs and Communication of Bosnia and Herzegovina – Division of International Legal Aid (1998-2001).

Member of Presidency (1986-1990), President (1989-1990) of the Association of Criminal Law and Criminology of the former SFRY. Member of the Board of the Law Centre of the Open Society Fund Bosnia and Herzegovina (Soros Foundation) (1995-1999). Member of the Legal Science Board of the Academy of Sciences and Arts of Bosnia and Herzegovina (since 1996). Chairman of the Legal Commission of the Olympic Committee for Bosnia and Herzegovina (since 1997).

Prepared, as an expert by invitation, a study entitled "Public Administration in Bosnia and Herzegovina" for the UNDP Project, United Nations Centre in Vienna (1995-1996).

Author of *Parliamentarism in Bosnia and Herzegovina* (1998) and *The Hague Tribunal for the Crimes Committed in the Former SFRY* (1996). Published over 80 papers in the field of substantive law and criminal/procedural law, international public law, international law on human rights and international judicature, in professional and scientific journals in Bosnia and Herzegovina and the former SFRY.

Judge *ad hoc* Sayeman BULA-BULA

(Judge *ad hoc* in the case concerning *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*)

Born on 31 August 1950 in Ebonda, Congo.

Law graduate, University of Kinshasa (1973); Degree in law from the University of Kinshasa (1976); Doctor of Law, University of Louvain (1986); Thesis: "Le nouveau droit de la mer dans les Etats de la côte Atlantique et Indienne". Holder of various diplomas.

Assistant (1976-1980), Professeur associé (1988-1992), Professeur (1992-1997) and Professeur ordinaire (since 1998) of the University of Kinshasa.

Law of the Sea course, Faculty of Law and Economic Sciences, University of Bangui (Central African Republic) (1988-1990); International Humanitarian Law and Public International Law courses, Faculty of Law, University of Kinshasa (since 1988); Human Rights course, Catholic Faculties of Kinshasa (1990-1993). Guest Professor and/or conference delegate at the University of Bangui (1988-1990) and at the Université libre de Bruxelles (2000).

Academic Secretary of the Faculty of Law of the University of Kinshasa, responsible for implementing the course curriculum (1988-1994); Vice-Dean of the Faculty (1994-1995), responsible for organizing theoretical and practical instruction; member of the Faculty Office, responsible for deputizing for the Dean; Administrative Secretary-General of the University (1995-1996); Member of the Management Committee, responsible for deputizing for the academic Secretary-

General and, if necessary, the Rector (October 1995 and March 1996). Vice-President of the Association of Professors (1990-1995).

Legal Adviser to the Ministry of Higher and University Education (1977-1980); Deputy-Editor of the *Annals* of the Faculty of Law Kinshasa University (since 1990); Regional representative, African Human Rights and Justice Network (1990-1995); co-promoter and scientific adviser to the Zairian Association of Human Rights (since 1991); Chairman of the Sub-Committee on Human Rights and Fundamental Freedoms of the Sovereign National Conference of Zaire (1991-1992).

Participant in the European Conference on "The New Law of the Sea and the Environment in the European Context", Brussels, January 1983; Moderator at the first Central African regional seminar on International Humanitarian Law organized by the International Committee of the Red Cross, Kinshasa, March 1988; Moderator at the second Central African regional seminar on International Humanitarian Law organized by the International Committee of the Red Cross, Kinshasa, April 1989; Ambassador and member of the group of 10 eminent Congolese citizens responsible for conducting the ICRC World Campaign for the Protection of War Victims, Kinshasa, November 1991; participant in the second francophone study days of AUPELF-UREF and in the establishment of the francophone network "Droit de l'environnement", Montreal, August-September 1992; Moderator at the fifth African regional seminar on International Humanitarian Law, Yaoundé (Cameroon), November 1992; participant in the evaluation meetings on the draft "Droit de l'environnement", AUPELF-UREF, Louvain-la-Neuve (Belgium), June 1993, June 1994 and September 1995; participant in the fifth Congress of the African Society of International and Comparative Law on "Africa, the OAU and the New World Order", Accra (Ghana), September 1993; participant in the sixth Congress of the African Society of International and Comparative Law on "The OAU and Africa in the Year 2000: Settlement of Conflicts and Protection of Displaced Persons", Kampala (Uganda), September 1994; participant in the seminar/workshop on "Les enfants et les conflits en Afrique centrale", Kinshasa, November 1994; participant in the seventh Congress of the African Society of International and Comparative Law on "Regional Integration in Africa as a Solution to the Economic Problems of the Continent", Johannesburg (South Africa), August 1995; Principal Moderator on the Panel for the Rule of Law in Africa, at the ninth Congress of the African Society of International and Comparative Law on "Les techniques juridiques pour la mise en œuvre de l'Etat de droit en Afrique", Abidjan (Ivory Coast), August 1997; participant in the Joint OAU/ICRC/UN/EU seminar on "Anarchical Conflicts" for permanent representatives to the United Nations Security Council and the OAU, Addis Ababa (Ethiopia), 30-31 March 1998; delegate of the Democratic Republic of the Congo to the 34th OAU Summit, Ouagadougou (Burkina Faso), 2-10 June 1998; participant in the fourth world symposium on the thought of Moammar Khadafi, "Green Book" on "The Crisis of the International Community on the Threshold of the Twenty-first Century", Tripoli (Libyan Arab Jamahiriya), 29 November to 3 December 1999; keynote speaker at the Day of Reflection of 28 October 2000 on "Perspectives de paix en Angola et en République démocratique du Congo", organized by the Southern Africa Committee, Brussels Centre of African Studies of the Université libre de Bruxelles; invited by the Foreign Office (United Kingdom) to the conference on Justice in Africa (2001).

Consultant to the Ministry of Oil and Industry Development, responsible for studying the issue of delimitation of the maritime boundaries of the Democratic Republic of the Congo (1998); consultant to the Ministry of Energy for the preparation of the draft agreement on scientific co-operation between the Democratic Republic of the Congo, on the one hand, and the United States Universities of Miami and Syracuse, on the other, in the context of the geoscience project for Lakes Edward-Albert Tanganyika (GEOLAT, 1998-2001), a component of the programme of the International Decade for East African Lakes (IDEAL), 1993-2003 (1998); expert approved by the World Bank for the third Zaire/World Bank water project, 1989 appropriation, ZR, officer for the preparation of a water code in Zaire (1989-1994).

Moderator of the International Humanitarian Law Seminar for the High Command of the Armed Forces of Togo, Lomé (1996); Moderator of the International Humanitarian Law Seminar for United Nations human rights officers, Geneva (1996); unsuccessful candidate for election to the post of Judge of the United Nations International Tribunal for the Law of the Sea, Hamburg (1996); co-ordinator (grade L-4) of the project to establish a Chair of Human Rights and International Humanitarian Law in the Bujumbura (Burundi) Military Academy (1996); co-ordinator (grade L-4) of the draft "promotion de l'Etat de droit" in the Republic of Haiti (1997-1999); expert in protection and preservation of the marine environment, approved by UNEP for special arbitration (since 1999).

Founding member of the francophone network "Droit de l'environnement", Montreal (since 1992); Member of the Law of the Sea Institute, Honolulu (1989-1994); Member of the African Society of International and Comparative Law, London (since 1993).

Deputy-Editor of the *Revue interdisciplinaire des droits de l'homme* (1995-1996); designated best Africanist by the Association of African Students (Kinshasa) and best educator for peace by the association of NGOs for peace (Kinshasa) (1999).

Principal publications and articles: "L'ordre juridique à l'épreuve des réalités", *African Journal of International and Comparative Law*, Vol. V, No. 1, 1993; "L'idée d'ingérence à la lumière du nouvel ordre mondial", *African Journal of International and Comparative Law*, Vol. VI, No. 1, 1994; "Faut-il instituer un mécanisme juridictionnel africain de règlement des différends?", *African Society of International and Comparative Law*, Proceedings 6, 1994; "Le parapluie humanitaire de l'enfant", *Revue interdisciplinaire des droits de l'homme*, Vol. I, No. 1, 1995; "Preliminary

Observations on the Constitutional Act, Haiti: The 1987 Constitution and Human Rights", *Proceedings of the MICIVIH-UNDP International Symposium, 1997, held in Port-au-Prince*, published by the International Civilian Mission in Haiti (UN/OAS), 1998; "La doctrine d'ingérence humanitaire revisitée", *African Journal of International and Comparative Law*, Vol. IX, No. 3, 1997; "Le rôle incertain de la société civile dans le règlement des conflits internes. L'état du droit en Afrique à l'orée de l'an 2000. Quelles perspectives?", *Proceedings of the First African Legal Days of Brussels, 1998, Catholic University of Brussels, RDJA*, 1999; "The 'conflit anarchique', en question", *Revue du droit africain* (Brussels), No. 7, 1998; "L'ambiguïté de l'humanité en droit international", inaugural speech opening the 1998-1999 academic year of the official universities of the Congo, Académie des Beaux-Arts, Kinshasa (1999); "La Cour pénale internationale envisagée dans ses rapports avec le Conseil de sécurité des Nations Unies", l'Afrique et les enjeux de la mondialisation, *African Society of International Comparative Law, Proceedings 11* (1999); "Universalisme et régionalisme en droits de l'homme et des peuples", *Proceedings of the Fourth Philosophy Days of Kimwenza*, Saint-Pierre Canisius Faculty of Philosophy, Kinshasa, 2000; "L'accord de Syrte du 18 avril 1999 pour le règlement des différends dans les Grands Lacs", Reading note, *African Journal of International and Comparative Law*, Vol. 11, No. 3, 1999; "The Contribution of the Syrte Agreement of 18 April 1999 to the Settlement of Disputes in the Great Lakes Region", *Proceedings of the Fourth World Symposium on the Ideas of Moammar Khadafi, "Green Book" on "The Crisis of the International Community on the Threshold of the Twenty-first Century"*, Tripoli, 1999 (forthcoming); "The Second 'United Nations Take-over' of the Congo", *Peace Prospects in Angola and in the Democratic Republic of the Congo, Proceedings of the Day of Reflection of 28 October 2000 Organized by the Southern Africa Committee, the Brussels Centre of African Studies of the Free University of Brussels* (forthcoming); *Water Quality Standards in Comparative Law*, communication to the first National Symposium on Water Quality Norms, National Action Committee; on Water and Sanitation, Kinshasa, 1988; *Le nouveau droit de la mer au regard de l'Afrique*, lecture-discussion, University of Kinshasa, 1998; *L'Europe de 1993 et ses implications sur la coopération euro-africaine en matière maritime*, communication au Séminaire international sur l'Europe de 1992 et l'Afrique, University of Kinshasa, 1990; *Les Etats sans littoral et le droit de la mer*, lecture-discussion, University of Bangui (Central African Republic), 1989; "Les institutions de gestion des forêts au Zaïre", symposium of the "droit de l'environnement" network, Limoges, 1994, *Droit, forêts et développement durable*, 1996; *Le nouveau droit de la mer dans le contexte économique du Zaire*, 1994; "L'infortune du Comité de pêche du golfe de Guinée, l'intégration régionale est-elle une solution aux problèmes économiques de l'Afrique?", *Proceedings of the Eighth Congress of the African Society of International and Comparative Law*, 1996; "L'odyssée du droit de la mer dans les abysses", *Liber Amicorum Mohammed Bedjaoui*, 1999.

Judge *ad hoc* Christine VAN DEN WIJNGAERT

(Judge *ad hoc* in the case concerning *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*)

Born in Antwerp, Belgium, on 2 April 1952.

Licenciée en droit, Free University of Brussels (1974, *magna cum laude*); Licenciée en criminologie, University of Brussels (1975, *laude*); Docteur en droit (Ph.D. with doctoral thesis), Free University of Brussels (1979, *maxima cum laude*; 1980, thesis awarded the Henri Rolin prize); Doctor *honoris causa*, University of Uppsala, Sweden (2001).

Researcher of the National Fund for Scientific Research (1974-1984) (research field: international criminal law); Professor of Law at the University of Antwerp, teaching criminal and criminal procedure law, international criminal law and comparative criminal (procedure) law (since 1985); Vice-Dean of the Law Faculty (1993-1997); Academic co-ordinator of international exchange programmes of the Law Faculty (since 1989).

Visiting Fellow at the University of Cambridge (Centre for European Legal Studies (1994-1996), Research Centre for International Law (1996-1997); Visiting Professor at the Law Faculty of the University of Stellenbosch (2001).

Expert for the International Law Association (Committee on Terrorism, 1985-1989); Observer of the Human Rights League at the trial of Helen Passtoors Johannesburg (1986); Vice-President of the Commission belge de réforme de la procédure pénale (Commission Franchimont) (1991-1998); Civil Law Reporter of the Committee on Extradition and Human Rights (1992-1998); Expert for the Direction générale XX de la Commission européenne et de l'UCLAF-OLAF; participated in different studies on fraud in the Europeean Union (e.g., *Corpus Juris* pour la répression de la fraude transnationale en Europe, 1993-2001); expert for the International Association of Penal Law (General Rapporteur for the Fourth Section (international co-operation) at the International Congress on Organized Crime, Budapest, 1999); expert for the Belgian Ministry of Justice, Group of Experts drafting new legislation on international co-operation in criminal matters (1999-2001); General Rapporteur on Protection pénale des intérêts financiers dans les Etats candidats à l'adhésion (European Commission and Académie de droit européen de Trêves) (since 2000).

Judge *at litem*, International Criminal Tribunal for the former Yugoslavia (since 2001).

Principal publications: *The Political Offence Exception to Extradition. The Delicate Problem of Balancing the Rights of the Individual and the International Public Order*, 1980; *Strafrecht en het strafproces in hoofdlijnen*, 4th ed., 1999; *La protection juridique des intérêts financiers des Communautés européennes*, 1992; *Comparative Criminal Procedure Systems in the European Community*, 1993; *EG-fraudebestrijding in de* *praktijk*, 1994; ***International Criminal Law and Procedure***, 1996; *Corpus juris: houdende strafbepalingen ter bescherming van de financiële belangen van de Europese Unie/portant dispositions pénales pour la protection des intérêts financiers de l'Union européenne*, 1998; *International Criminal Law. A Collection of International and European Instruments*, 2000.

Principal articles: "La Belgique et l'exception pour délits politiques en matière d'extradition: analyse critique de la pratique judiciaire et administrative", *Rev. d. pén.*, 1979; "Terrorisme individuel et terrorisme d'Etat: une différence d'analyse?", *Licéité et références légales aux valeurs. X^{e} Journées d'études Jean Dabin*, 1982; "Les euromissiles et le droit pénal international", *Les conséquences juridiques de l'installation éventuelle des missiles Cruise et Pershing en Europe*, 1984; "Les infractions graves aux Conventions de Genève et à leurs protocoles additionnels eu égard aux règles internationales concernant la prescription des crimes de guerre et l'extradition", *Rev. d. pén militaire et d. de la guerre*, 1982; "Coping with Non-International Armed Conflicts: The Borderline between National and International Law" (with B. De Schutter), *The Georgia Journal of Int. & Comp. Law*, 1983; "Criminal Law and the European Communities: Defining the Issues", *Mich. Yb. Int. Legal Studies*, 1983; "Guerilla and International Humanitarian Law; Aspects of Criminal Law and Human Rights", *Guerilla and Humanitarian Law* (Henri Dunant Series, No. 7), 1984; "Structure et méthodes de la coopération internationale et régionale en matière pénale. Rapport belge au XIII^{e} Congres de l'Association internationale de droit pénal, 1^{e} partie", *Rev. d. pén.*, 1984; "The Political Offence Exception. Defining the Issues and Searching for a Feasible Alternative", *RBDI*, 1985; "The State *v.* H. Passtoors, The Observer's Report. A European Perspective", *South African Journal of Human Rights*, 1986; "War Crimes, Extradition and Statutory Limitations", M. C. Bassiouni (ed.), *International Criminal Law*, 1986; "Aviation Terrorism, Jurisdiction and Its Implications", *Proceedings of the International Conference on Aviation Security*, 1987; "The Death Penalty. Military Offences and International Crimes", *Rev. int. d. pén.*, 1987, and *Revue de droit pénal militaire et de droit pénal militaire et de droit de la guerre*, 1988; "Le droit pénal belge et la répression des délits internationaux: problèmes légaux surgissant de la mise en œuvre des délits internationaux", *Rev. d. pén.*, 1988; "The Political Offence Exception to Extradition: How to Plug the Terrorist's Loophole", *Isreal Yearbook on Human Rights*, 1989, and *Rev. int. d. pén.*, 1991; "Belgian Criminal Law and Suppression of International Crimes: Legal Problems Emerging from the Implementation of International Crimes", *Rev. int. d. pén.*, 1989; "Applying the European Convention on Human Rights to Extradition: Opening Pandora's Box?", *Int. & Comp. LQ*, 1990; "Double Criminality as a Condition to Jurisdiction", N. Jareborg (ed.), *Double Criminality. Studies in International Criminal Law, geschriften van de rechtfaculteit van Uppsala*, 1989; "Extradition et asile politique" (in collaboration with M. Chiavario, J. Gauthier and R. Stanoiu), *L'extradition et l'asile politique*, 1990; "The Suppression of War Crimes under Protocol I", *Liber amicorum F. Kalshoven*, 1991; Rethinking the Law of International Criminal Cooperation: The Restrictive Function of International Human Rights by Establishing Individual-oriented Bars", *Principles and Procedures for a Transnational Criminal Law*, A. Eser and O. Lagodny (eds.), Max-Planck Institute for Foreign and International Criminal Law, 1992; "The Structure of the Draft Code and the General Part", *Commentaries concerning the Interntional Law Commission's Draft Articles on the Code of Crimes against the Peace and Security of Mankind, Nouvelles études pénales*, 1993; "Commentaire de la loi du 16 juin 1993 relative à la répression des infractions graves du droit international humanitaire", *Rev. d. pén.*, 1994; "Mutual Legal Assistance in Criminal Matters in the European Union", *Changes in Society, Crime and Criminal Justice in Europe*, ed. by Fijnaut *et al.*, 1995; "The Compensation of Victims of Violent Crimes in Belgium", *The Compensation of Violent Crime*, ed. by D. Greer, Max-Planck Institute, 1996; "Extradition and Human Rights (Part II)", *Association de droit international, Comité sur l'extradition des droits de l'homme*, 1996; "The Criminal Justice System Facing the Challenge of Organised Crime (Section IV – International Cooperation)", *Revue internationale de droit pénal*, 1997; "Organised Crime, Proactive Policing and International Cooperation in Criminal Matters: Who Polices the Police in a Transnational Context?", *Undercover Policing and Accountability from an International Perspective*, Institut européen d'administration publique, 1997; "War Crimes, Genocide and Crimes against Humanity: Are States Taking National Prosecutions Seriously? (Jurisdiction, Statutory Limitations and the Legality Principle)", *International Criminal Law*, Vol. 3, ed. by M. C. Bassiouni, 1999; "Les modifications quant à l'information dans *La Loi du 12 mars 1998 réformant la procédure pénale*", ed. by M. Franchimont, 1998; "Une perspective 'eurocentrique' sur la répression de la délinquance transnationale européenne: le projet espace judiciaire européen et le *corpus juris*", *Comparative Criminal Justice Systems: From Diversity to Rapprochement*, 1998; "Strafklageverbrauch durch Belgische 'transactie'", *Neue Zeitschrift für Strafrecht*, 1998; "Reconciling Extradition with Human Rights", *American Journal of International Law*, 1998; "Extradition and Human Rights (Part III)", *Association de droit international, comité sur l'extradition et les droits de l'homme*, 1998; "Lignes de force pour une réforme du droit d'extradition", *X^e^ Colloque sur la réforme du droit de la procédure pénale*, 1998; "The Transformations of International Criminal Law as a Response to the Challenge of Organised Crime", *Revue internationale de droit pénal*, 1999; "The International *non bis in idem* Principle: Resolving Some of the Unanswered Questions", *International and Comparative Law Quarterly*, 1999; "*Corpus Juris*, European Public Prosecution and National Trials for Eurocrimes: Is There a Need for a European Pre-Trial Chamber?", 1999; "Protection 'PIF' et espace judiciaire européen: bilan et perspectives à l'aube du troisième millénaire", 1999; "*Corpus iuris*, Ministerio Fiscale Europeo y juicios nacionales para eurocrimenes: ¿ es necesaria una Sala de Justicia Europea para la fase previa?", *Revista del Poder judicial*, 1999; "*Non bis in idem* Principle, Including the Principle of Amnesty", *The Rome Statute and the International Criminal Court*, ed. by Cassese (with Tom Ongena; to be published); "Statutory Limitations in the Rome Statute", *The Rome Statute and the International Criminal Court* (with John Dugard; to be published).

Judge *ad hoc* Patrick Fernand Odiel Marie DUINSLAEGER

(Judge *ad hoc* in the case concerning *Legality of Use of Force (Yugoslavia* v. *Belgium)*)

Born at Ostend, Belgium, on 30 May 1953.

Licencié en droit, University of Brussels (First Class Honours) (1978).

Trainee advocate at the Brussels Bar and judicial trainee in the Public Prosecutor's Office at the Brussels Court of First Instance (1978-1983); Deputy Prosecutor (1983), and Senior Deputy Prosecutor, Crown Prosecutor's Office, Brussels (1988); Deputy Prosecutor-General, Court of Appeal, Brussels (1991).

Joint Director, Interforces Anti-terrorist Group (1984-1997); Joint Director, Special Police Unit for the Suppression of Terrorism and Organized Crime (1987-1997).

Member of various supervisory committees set up by the Minister of the Interior to oversee university research (1988-1997). Lecturer *[chargé de cours]* at the Ecole de Criminologie et de Criminalistique (Institut National de Criminologie et de Criminalistique) (1989-1997).

Chair of the Belgian Delegation to the "Benelux" Working Group for International Co-operation (1993).

Senior State Judicial Officer responsible for national and international co-ordination of the fight against organized crime and for international police and judicial co-operation (1991-1997).

Appointed Judicial Liaison Officer for Belgium to the International Criminal Tribunal for the former Yugoslavia and to the International Criminal Tribunal for Rwanda (1995-1998).

Head of Cabinet to the Minister of Justice (1998-1999).

Advocate-General at the Court of Cassation (1999).

Knight of the Order of Leopold.

Knight of the Order of the Crown.

Mr. Jean-Pierre MAVUNGU MVUMBI-DI-NGOMA

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*)

Born on 22 December 1956 at Nsumbi (Province of Bas-Congo), Democratic Republic of the Congo.

Graduate of the Ecole nationale d'administration publique of Rabat. Licence in law, Mohamed V University, Morocco (1980). Graduate of the Institut universitaire de hautes études internationales of Geneva (1987). Doctor of Law, University of Fribourg, Switzerland (1992). Agrégé in public law (1992).

Graduate assistant and lecturer in public international law and public law at the University of Fribourg (1990-1995). Associate Professor and Head of the Department of public international law and international relations of the University of Kinshasa (since 1995). Professor and Head of Department of public law at the Faculty of Law of the Protestant University in the Congo (since 1997).

Directeur de cabinet to the Minister for Human Rights (1998-1999). Member of the Congolese Delegation to the 55th Session and 57th Session of the United Nations Human Rights Commission (Geneva). Member of the Congolese Delegation to the 54th Session of the United Nations General Assembly (New York). Resource officer at the Regional Seminar on the Promotion of Economic, Social and Cultural rights in Africa (Abidjan, Côte d'Ivoire, 1998).

Member of the Association of Professors of the University of Kinshasa, of the Alumni Association of the University of Fribourg and the Alumni Association of the Université de hautes études internationales of Geneva. Former member of the African Society for International and Comparative Law.

Author of a thesis on "Le règlement judiciaire des différends interétatiques en Afrique" and of several articles.

CHAPTER III

JURISDICTION OF THE COURT

I. JURISDICTION IN CONTENTIOUS CASES

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." International organizations, other collectivities and private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 2002 the following 189 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Andorra	28 July 1993
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Armenia	2 March 1992
Australia	Original Member
Austria	14 December 1955
Azerbaijan	2 March 1992
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966

State	*Date of Admission*
Belarus	Original Member
Belgium	" "
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971
Bolivia	Original Member
Bosnia and Herzegovina	22 May 1992
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Cambodia	14 December 1955
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	" "
Chile	Original Member
China	" "
Colombia	" "
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Croatia	22 May 1992
Cuba	Original Member
Cyprus	20 September 1960
Czech Republic	19 January 1993
Democratic People's Republic of Korea	17 September 1991
Democratic Republic of the Congo	20 September 1960
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	" "
Egypt	" "
El Salvador	" "
Equatorial Guinea	12 November 1968
Eritrea	28 May 1993
Estonia	17 September 1991
Ethiopia	Original Member
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member

State	*Date of Admission*
Gabon	20 September 1960
Gambia	21 September 1965
Georgia	31 July 1992
Germany	18 September 1973
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	.. ..
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	.. ..
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kazakhstan	2 March 1992
Kenya	16 December 1963
Kiribati	14 September 1999
Kuwait	14 May 1963
Kyrgyzstan	2 March 1992
Lao People's Democratic Republic	14 December 1955
Latvia	17 September 1991
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Lithuania	17 September 1991
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Marshall Islands	17 September 1991

State	*Date of Admission*
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Micronesia (Federated States of)	17 September 1991
Monaco	28 May 1993
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nauru	14 September 1999
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	" "
Nicaragua	" "
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947
Palau	15 December 1994
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	" "
Philippines	" "
Poland	" "
Portugal	14 December 1955
Qatar	21 September 1971
Republic of Korea	17 September 1991
Republic of Moldova	2 March 1992
Romania	14 December 1955
Russian Federation	Original Member
Rwanda	18 September 1962
Saint Kitts and Nevis	23 September 1983
Saint Lucia	18 September 1979
Saint Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
San Marino	2 March 1992
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Slovakia	19 January 1993

State	*Date of Admission*
Slovenia	22 May 1992
Solomon Islands	19 September 1978
Somalia	20 September 1960
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	.. ..
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Syrian Arab Republic	Original Member
Tajikistan	2 March 1992
Thailand	16 December 1946
The former Yugoslav Republic of Macedonia	8 April 1993
Togo	20 September 1960
Tonga	14 September 1999
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Turkmenistan	2 March 1992
Tuvalu	5 September 2000
Uganda	25 October 1962
Ukraine	Original Member
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961
United States of America	Original Member
Uruguay	.. ..
Uzbekistan	2 March 1992
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947
Yugoslavia	1 November 2000
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[1]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

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[1] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5*.

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."[1]

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

> "1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.
>
> 2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
>
> 3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

> "*(a)* A State which is a party to the Statute of the International

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[1] See below, Chap. VIII, p. 357.

> Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;
>
> *(b)* Amendments to the Statute of the International Court of Justice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

The following State not a member of the United Nations is at present a party to the Statute[1]:

State	*Resolution of the General Assembly*	*Deposit of the instrument of acceptance*
Switzerland	91 (I), 11 December 1946	28 July 1948

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute. This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

> "The Security Council
>
> In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,
>
> Resolves that:
>
> 1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court

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[1] Before becoming Members of the United Nations, Japan, Liechtenstein, San Marino and Nauru were parties to the Statute of the Court, as from 2 April 1954, 29 March 1950, 18 February 1954 and 29 January 1988, respectively.

> and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> 2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;
>
> 3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the International Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;
>
> 4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;
>
> 5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. *Basis of the Court's Jurisdiction*

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent is expressed determines the manner in which a case may be brought before the Court.

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[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Hungary) (United States of America v. USSR)*; *Aerial Incident of 10 March 1953 (United States of America v. Czechoslovakia)*; *Antarctica (United Kingdom v. Argentina) (United Kingdom v. Chile)*; *Aerial Incident of 7 October 1952 (United States of America v. USSR)*; *Aerial Incident of 4 September 1954 (United States of America v.*

(a) Special agreement

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose[1]. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

(b) Cases provided for in treaties and conventions

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and

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USSR); *Aerial Incident of 7 November 1954* (*United States of America* v. *USSR*). On 1 July 1978 the present Rules of Court came into force, Article 38, paragraph 5, of which provides:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Article 38, paragraph 5, has been applied with regard to an Application filed by Hungary on 23 October 1992, instituting proceedings against the Czech and Slovak Republic, an Application filed by the Federal Republic of Yugoslavia on 16 March 1994, instituting proceedings against the Member States of NATO, and an Application filed by Eritrea on 16 February 1999, instituting proceedings against Ethiopia. In the cases concerning *Legality of Use of Force* (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *United States of America*), Yugoslavia referred to Article IX of the Genocide Convention of 1948 and to Article 38, paragraph 5, of the Rules of Court as bases for the jurisdiction of the Court. The cases were entered in the General List on the basis of the reference to Article IX of the Genocide Convention.

[1] The following 15 cases were submitted to the Court by means of special agreements: *Asylum* (*Colombia/Peru*); *Minquiers and Ecrehos* (*France/United Kingdom*); *Sovereignty over Certain Frontier Land* (*Belgium/Netherlands*); *North Sea Continental Shelf* (*Federal Republic of Germany/Denmark*; *Federal Republic of Germany/Netherlands*); *Continental Shelf* (*Tunisia/Libyan Arab Jamahiriya*); *Delimitation of the Maritime Boundary in the Gulf of Maine Area* (*Canada/United States of America*) (case referred to a Chamber); *Continental Shelf* (*Libyan Arab Jamahiriya/Malta*); *Frontier Dispute* (*Burkina Faso/Republic of Mali*) (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute* (*El Salvador/Honduras*) (case referred to a Chamber); *Territorial Dispute* (*Libyan Arab Jamahiriya/Chad*); *Gabčíkovo-Nagymaros Project* (*Hungary/Slovakia*); *Kasikili/Sedudu Island* (*Botswana/Namibia*); *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia/Malaysia*); *Frontier Dispute* (*Benin/Niger*). In the *Corfu Channel* (*United Kingdom* v. *Albania*) case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906* (*Honduras* v. *Nicaragua*) was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*[1]; this is a unilateral document which must indicate the subject of the dispute and the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 161-181). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 111-117) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court (P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports (P.C.I.J., Series E, Nos. 8-16)* the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

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[1] With the exception of the 15 cases listed on page 106, footnote 1, which were brought by the notification of a special agreement, all contentious cases have been brought before the Court by means of an application instituting proceedings, irrespective of whether the Court's jurisdiction was founded on a provision in a treaty or convention, declarations recognizing the Court's jurisdiction as obligatory made by each of the parties to the dispute, or any other alleged form of consent.

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 117-161).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[2].

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[1].

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[1] See below, Chap. V, Sec. III, part 3, p. 199.

[2] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case and by Nigeria in respect of the Court's Judgment on preliminary objections of 11 June 1998 in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*.

II. ADVISORY JURISDICTION

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[2]:

United Nations:

General Assembly[3].

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[1] An application for revision of the Court's Judgment on preliminary objections of 11 July 1996 was filed by Yugoslavia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*. An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[2] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

[3] The General Assembly has requested 14 advisory opinions of the Court in the following 13 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)*; *Reparation for Injuries Suffered in the Service of the United Nations*; *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase*; id., *Second Phase*; *Competence of the General Assembly for the Admission of a State to the United Nations*; *International Status of South West Africa*; *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*; *Effect of Awards of Compensation Made by the United Nations Administrative Tribunal*; *Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa*; *Admissibility of Hearings of Petitioners by the Committee on South West Africa*; *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter)*; *Western Sahara*; *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*; *Legality of the Threat or Use of Nuclear Weapons*.

  - Security Council[1],
  - Economic and Social Council[2],
  - Trusteeship Council,
  - Interim Committee of the General Assembly;
- International Labour Organisation;
- Food and Agriculture Organization of the United Nations;
- United Nations Educational, Scientific and Cultural Organization[3];
- World Health Organization[4];
- International Bank for Reconstruction and Development;
- International Finance Corporation;
- International Development Association;
- International Monetary Fund;
- International Civil Aviation Organization;
- International Telecommunication Union;
- International Fund for Agricultural Development;
- World Meteorological Organization;
- International Maritime Organization[5];
- World Intellectual Property Organization;
- United Nations Industrial Development Organization;
- International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 111-117) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

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[1] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

[2] The Economic and Social Council requested an advisory opinion of the Court in two cases: *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* and *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*.

[3] The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco*.

[4] The World Health Assembly requested an advisory opinion of the Court in two cases: *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* and *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*.

[5] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*.

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. INSTRUMENTS GOVERNING THE RELATIONSHIP OF ORGANS OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS WITH THE COURT

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter[1]; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

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[1] By resolution 957 (X) of 8 November 1955 the General Assembly, amending the Statute of the United Nations Administrative Tribunal (Art. 11), authorized the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice. By resolution 50/54 of 11 December 1995, the General Assembly amended the Tribunal's Statute again, *inter alia* deleting Article 11 with respect to Judgements rendered after 31 December 1995.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan, 11 February 1982, Section 26 (United Nations, *Treaty Series*, I, No. 20736, Vol. 1261).

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on

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[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

21 November 1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organisation

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

5. United Nations Educational, Scientific and Cultural Organization

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. World Health Organization

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. International Bank for Reconstruction and Development, International Finance Corporation and International Development Association

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the International Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on

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[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22 (United Nations, *Treaty Series*, I, No. 23432, Vol. 1401).

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE COURT

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 2002 will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

The declaration of the Côte d'Ivoire recognizing as compulsory the jurisdiction of the Court was deposited with the Secretary-General of the United Nations during the 12 months under review, on 29 August 2001. It was the first such declaration made by that State. On 24 October 2001 Nicaragua informed the Secretary-General of a reservation to the declaration that it had deposited on 24 September 1929. On 9 January 2002, the Secretary-General received from the Government of Costa Rica a communication transmitting the text of a formal objection to that reservation. On 5 December 2001, Colombia notified the Secretary-General of its decision to withdraw, with immediate effect, the declaration which it had deposited on 30 October 1937. On 22 March 2002, Australia notified the Secretary-General of its decision to replace its declaration of 13 March 1975, with immediate effect, by a new modified declaration.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now six such declarations.

The declarations, deposited by a total of 63 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

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[1] Since 1951, thirteen other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, Colombia, El Salvador, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; *I.C.J. Yearbook 1987-1988*, pp. 70-72; United Nations, *Treaty Series*, I, No. 8196, Vol. 562; I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

The date shown after the name of the State is that on which the declaration was deposited.

AUSTRALIA

22 III 2002.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations, of which the Statute of the International Court of Justice is an integral part; and

Whereas the Government of Australia deposited for and on behalf of Australia on the first day of November one thousand nine hundred and forty-five its instrument of ratification to the Statute of the International Court of Justice done at San Francisco on the twenty-sixth day of June, one thousand nine hundred and forty-five; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the thirteenth day of March one thousand nine hundred and seventy-five effective until such time as notice may be given to withdraw that declaration;

The Government of Australia, having considered the said declaration, hereby gives notice effective immediately of the *withdrawal* of that declaration and *replaces* the same with the following declaration:

The Government of Australia declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration is effective immediately.

This declaration does not apply to:

(a) any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) any dispute concerning or relating to the delimitation of maritime zones, including the territorial sea, the exclusive economic zone and the continental shelf, or arising out of, concerning, or relating to the exploitation of any disputed area of or adjacent to any such maritime zone pending its delimitation;

(c) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to

the dispute was deposited less than 12 months prior to the filing of the application bringing the dispute before the Court.

In witness whereof, I, Alexander John Gosse Downer, Minister for Foreign Affairs, have hereunto set my hand and affixed my seal.

Done at Canberra this 21st day of March, two thousand and two.

(Signed) Alexander John Gosse DOWNER,
Minister for Foreign Affairs of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.
(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of

Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(*a*) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,

(*b*) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,

(*c*) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,

(*d*) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(*Signed*) H. de B. FORDE,
Minister of External Affairs.

BELGIUM[1]

[*Translation from the French*] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification[2]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(*Signed*) V. LAROCK,
Minister
for Foreign Affairs.

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[1] Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I, No. 260, Vol. 16).

[2] The instrument of ratification was deposited on 17 June 1958.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(*a*) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(*b*) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(*Signed*) Seretse M. KHAMA,
President.

BULGARIA

[*Translation from the Bulgarian*] 24 VI 1992.

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(*Signed*) S. GANEV,
Minister of Foreign Affairs
of the Republic of Bulgaria.

CAMBODIA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;

(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(*Signed*) SIM VAR.

CAMEROON

[Translation from the French by the Registry] 3 III 94.

On behalf of the Government of the Republic of Cameroon, I have the honour to declare that:

The Government of the Republic of Cameroon, in accordance with Article 36, paragraph 2, of the Statute of the Court, recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes.

This declaration shall remain in force for a period of five years. It shall subsequently continue to produce effect until contrary notification or written amendment by the Government of the Republic of Cameroon.

(Signed) Ferdinand Léopold OYONO,
Minister for Foreign Affairs.

CANADA

10 V 94.

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985[1] in conformity with paragraph 2 of Article 36 of the Statute of the Court.

(2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:

(a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and

(d) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

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[1] *I.C.J. Yearbook 1992-1993*, pp. 79-80.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(*Signed*) Louise FRÉCHETTE,
Ambassador and
Permanent Representative.

COSTA RICA

[*Translation from the Spanish*] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San Jose, 5 February 1973.

(*Signed*) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CÔTE D'IVOIRE

[*Translation from the French*] 29 VIII 2001.

Concerned on the one hand to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and on the other hand to contribute to the development and strengthening of international law, the Republic of Côte d'Ivoire, pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;

(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

with the exception of:

1. disputes concerning which the parties have agreed to have recourse to some other method of settlement;
2. disputes with regard to questions which by international law fall within the exclusive competence of Côte d'Ivoire.

The present declaration has been made for an unlimited period, subject to the power of denunciation and modification attached to any obligation assumed by a State in its international relations.

It will enter into force when it is received by the Secretary-General of the United Nations.

Abidjan, 22 August 2001.

(*Signed*) Sangaré Abou DRAHAMANE,
Minister of State,
Minister for Foreign Affairs.

CYPRUS

29 IV 88.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(*a*) the interpretation of any treaty —
  I. to which the Republic of Cyprus became a Party on or after 16 August 1960 or
  II. which the Republic of Cyprus recognizes as binding on it by succession;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

(*a*) to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus;
(*b*) where the declaration recognizing the compulsory jurisdiction of the International Court of Justice on behalf of any other Party to the

dispute was deposited with the Secretary-General of the United Nations less than six months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Cyprus reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 19 April 1988.

(*Signed*) George IACOVOU,
Minister of Foreign Affairs.

DEMOCRATIC REPUBLIC OF THE CONGO

[*Translation from the French*] 8 II 89.

... in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(*Signed*) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

DENMARK[1]

[*Translation from the French*] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

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[1] This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative
to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[1], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"[2], the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

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[1] The instrument of ratification was deposited on 4 February 1933.

[2] United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

18 July 1957.

(Signed) Mahmoud FAWZI.

ESTONIA

21 X 91.

I, Arnold Rüütel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court,

provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RÜÜTEL,
Chairman of the Supreme Council.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(*a*) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(*b*) disputes with any country in the Commonwealth;
(*c*) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(*Signed*) A. B. N'JIE,
Minister of State for External Affairs.

GEORGIA

20 VI 95.

I have the honour on behalf of the Republic of Georgia to declare that, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Republic of Georgia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

Tbilisi, 16 June 1995.

(*Signed*) Alexander CHIKVAIDZE,
Minister of Foreign Affairs
of the Republic of Georgia.

GREECE

[Translation from the French] 10 I 94.

I declare, on behalf of the Greek Government, that I recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(*Signed*) Karolos PAPOULIAS,
Minister for Foreign Affairs.

GUINEA

[Unofficial translation from the French by the Registry] 4 XII 98.

I have the honour, in the name of the Government of the Republic of Guinea, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the said Government accepts as compulsory *ipso facto* and without special agreement, in relation to any other States accepting the same obligation, the jurisdiction of the Court in all legal disputes arising since 12 December 1958 and subsequent to this declaration concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

The Republic of Guinea makes this declaration on condition of reciprocity on the part of all States. However, it may refuse to accept the jurisdiction of the Court in the case of:

(*a*) disputes in respect of which the parties have agreed to have recourse to some other mode of settlement;
(*b*) disputes concerning questions which, under international law, fall within the exclusive jurisdiction of the Republic of Guinea.

Finally, the Government of the Republic of Guinea reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to amend or withdraw this declaration.

Conakry, 11 November 1998.

(Signed) Lamine KAMARA,
Minister for Foreign Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960[1] as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

   (a) the interpretation of a treaty;
   (b) any question of international law;

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[1] *I.C.J. Yearbook 1984-1985*, pp. 78-79.

(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:

   (*a*) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;

   (*b*) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;

   (*c*) disputes relating to facts or situations originating in armed conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;

   (*d*) disputes referring to:

      (i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;

      (ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;

      (iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.

4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(*Signed*) José AZCONA H.,
President of the Republic.

(*Signed*) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

HUNGARY

22 X 92.

The Republic of Hungary hereby recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

(*a*) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(*b*) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;

(*c*) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;

(*d*) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(*Signed*) Dr. GÉZA JESZENSZKY,
Minister for Foreign Affairs
of the Republic of Hungary.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;

(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;

(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;

(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

(a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
(b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
(c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
(d) the airspace superjacent to its land and maritime territory; and
(e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959[1].

New Delhi, 15 September 1974.

(*Signed*) Swaran SINGH,
Minister for External Affairs.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(*Signed*) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

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[1] United Nations, *Treaty Series*, I, No. 4871, Vol. 340.

(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;

(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;

(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(*Signed*) Joseph MURUMBI,
Minister for External Affairs.

LESOTHO

6 IX 2000.

On behalf of the Kingdom of Lesotho, I have the honour to declare that the Kingdom of Lesotho recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute the solution of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force until notice of its termination is given.

Dated at Maseru, this 31st day of August 2000.

(*Signed*) Motsoahae Thomas THABANE,
Minister of Foreign Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

(*a*) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
(*b*) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification[1] and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(*Signed*) Gabriel L. DENNIS,
Secretary of State.

LIECHTENSTEIN

[*Translation from the French*] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;

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[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute[1] and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(*Signed*) A. FRICK,
The Head of Government.

LUXEMBOURG[2]

[*Translation from the French*] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(*Signed*) BECH.

MADAGASCAR

[*Translation from the French*] 2 VII 92.

On behalf of the Government of Madagascar, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that Madagascar accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and until such time as notice may be given to terminate this acceptance, the compulsory jurisdiction of the Court in all legal disputes concerning:

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[1] Liechtenstein became a party to the Statute of the Court on 29 March 1950.

[2] The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

the interpretation of a treaty;
any question of international law;
the existence of any fact which, if established, would constitute a breach of an international obligation;
the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration does not apply:

to disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
disputes relating to questions which, under international law, fall exclusively within the jurisdiction of Madagascar.

The Government of Madagascar also reserves the right to add to, amend or withdraw the foregoing reservations by means of a notification addressed to the Secretary-General of the United Nations, which would take effect on the date of its receipt by the Secretary-General.

Antananarivo, 12 May 1992.

(Signed) Césaire RABENORO,
Minister for Foreign Affairs.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning—

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to—

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;

(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or

(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(*Signed*) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA[1]

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

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[1] By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(*Signed*) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and

(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(*a*) its territory, including the territorial sea, and the status thereof,
(*b*) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
(*c*) the determination or delimitation of any of the above,

(*d*) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(*Signed*) Alex SCEBERAS TRIGONA,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;

(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;

(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(*Signed*) S. RAMGOOLAM,
Prime Minister and
Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(*Signed*) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

9 IX 92.

On behalf of the Government of the Republic of Nauru, I have the honour to refer to the Republic's Declaration dated 30 December 1987[1], deposited with the United Nations Secretary-General on 29 January 1988, whereby the Republic has accepted as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulated that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

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[1] *I.C.J. Yearbook 1987-1988*, p. 84.

I have the further honour to declare that the aforesaid Declaration shall stand renewed and extended on 29 January 1993 and continue to be in force for a further period of five years from that date.

In witness whereof, I set my hand and the Common Seal of the Republic of Nauru, this fourth day of the month of September one thousand nine hundred and ninety-two.

(*Signed*) Hammer DEROBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[*Translation from the French*] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946[1] is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(*Signed*) E. L. C. SCHIFF,
Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

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[1] United Nations, *Treaty Series*, I, No. 2, Vol. 1.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940[1] under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(*Signed*) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

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[1] *I.C.J. Yearbook 1976-1977*, pp. 69 f.

NICARAGUA

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(*Signed*) T. F. MEDINA.

Reservation[1] 24 X 2001.

Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901.

Managua, 23 October 2001.

(*Signed*) Francisco X. AGUIRRE SACASA.

NIGERIA

30 IV 98.

I have the honour, on behalf of the Government of the Federal Republic of Nigeria, to declare that the acceptance by the Government of the Federal Republic of Nigeria of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 14 August 1965 under Article 36 of the Statute of the Court is hereby amended so as to read as set out in the following paragraph:

In conformity with paragraph 2 of Article 36 of the Statute, the Government of the Federal Republic of Nigeria accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court over all legal disputes referred to in that paragraph of the Statute, other than:

(i) disputes in respect of which any party to the dispute has accepted the jurisdiction of the Court by a Declaration deposited less than twelve months prior to the filing of an Application bringing the dispute before the Court after the date of this amended Declaration;

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[1] This is the text of the reservation as received by the Secretary-General of the United Nations by letter of 23 October 2001. The first paragraph of that letter read as follows:

> "I have the honour to inform you and, through you, all the States parties to the Statute of the International Court of Justice and the Secretariat of the Court, of the reservation made to Nicaragua's voluntary acceptance of the jurisdiction of the International Court of Justice by Presidential Decision No. 335-2001 of 22 October 2001, issued by the President of the Republic, Mr. Arnoldo Aleman Lacayo, the text of which is as follows: ..."

On 9 January 2002 the Secretary-General received from the Government of Costa Rica a communication transmitting the text of a formal objection to the reservation formulated by Nicaragua.

(ii) disputes in respect of which any party has filed an Application in substitution for or in lieu of all or any part of any Application to which subparagraph (i) refers;

(iii) disputes relating to matters which are essentially within the domestic jurisdiction of the Federal Republic of Nigeria;

(iv) disputes in respect of which any other party to the dispute has accepted the jurisdiction of the Court in relation to or for the purposes of the dispute;

(v) disputes in regard to which the parties have agreed or agree to have recourse to any other method of peaceful settlement;

(vi) disputes relating to or connected with facts or situations of hostilities or armed conflict, whether internal or international in character;

(vii) disputes with any State with which the Government of Nigeria does not have diplomatic relations;

(viii) disputes concerning the allocation, delimitation or demarcation of territory (whether land, maritime, lacustrine or superjacent air space) unless the Government of Nigeria specially agrees to such jurisdiction and within the limits of any such special agreement;

(ix) disputes in relation to matters which arose prior to the date of Nigeria's independence, including any dispute the causes, origins or bases of which arose prior to that date.

The Government of the Federal Republic of Nigeria further reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, to add to, amend or withdraw this Declaration or the reservations contained therein or any that may hereafter be added.

Done at Abuja, this 29th day of April 1998.

(*Signed*) Chief Tom IKIMI,
Hon. Minister of Foreign Affairs,
Federal Republic of Nigeria.

NORWAY[1]

25 VI 96.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable at any given time to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 4 December 1995 for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, shall apply to all disputes concerning the law of the sea.

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[1] This is the text of the declaration as amended by letter of 24 June 1996 received by the Secretary-General of the United Nations on the following day. The first paragraph of that letter read as follows:

> "On behalf of the Government of Norway,
>
> I give notice that I hereby amend the acceptance by Norway of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 2 April 1976 in conformity with paragraph 2 of Article 36 of the Statute of the Court. As amended, the declaration shall read . . ."

The declaration of 1976 replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

New York, 24 June 1996.

(*Signed*) Hans Jacob Biorn LIAN,
Permanent Representative of
Norway to the United Nations.

PAKISTAN[1]

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

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[1] This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

Provided, that the declaration shall not apply to:

(*a*) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(*b*) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;

(*c*) disputes arising under a multilateral treaty unless

(i) all parties to the treaty affected by the decision are also parties to the case before the Court, or

(ii) the Government of Pakistan specially agree to jurisdiction; and

provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(*Signed*) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

PANAMA[1]

[*Translation from the French*] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(*Signed*) R. A. AMADOR,
Chargé d'affaires.

PARAGUAY

[*Translation from the Spanish*] 25 IX 96.

Whereas the Republic of Paraguay signed the Charter of the United Nations on 26 June 1945 in San Francisco and ratified it on 12 October of that year,

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[1] An instrument of ratification was deposited on 14 June 1929. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

Having seen and examined the text of the Statute of the International Court of Justice, principal judicial organ of the United Nations, whose Article 36, paragraph 2, stipulates that States parties to the Statute may declare at any time and without special agreement that they recognize as compulsory the jurisdiction of the Court,

And whereas the National Congress agreed to recognize this by means of Act No. 913 of 7 August 1996,

Therefore:

I hereby accept on behalf of the Government of Paraguay the compulsory jurisdiction of the International Court of Justice, with headquarters at The Hague, reciprocally in relation to other States accepting the same obligation in respect of all disputes as provided for in Article 36, paragraph 2, of the Statute of the Court. The present declaration shall apply only to disputes arising subsequent to the date of this declaration.

In witness whereof I hereby sign this declaration, which is sealed with the national Seal and countersigned by the Minister for Foreign Affairs, Rubén Melgarejo Lanzoni, in the city of Asunción, capital of the Republic of Paraguay, on 17 September 1996.

(*Signed*) Juan Carlos WASMOSY,
President.

(*Signed*) Rubén MELGAREJO LANZONI,
Minister for Foreign Affairs.

PHILIPPINES[1]

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute —

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[1] This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

(*a*) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or

(*b*) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or

(*c*) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court; or

(*d*) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or

(*e*) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines

(i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or

(ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(*Signed*) Carlos P. ROMULO,
Secretary of Foreign Affairs.

POLAND

25 III 96.

On behalf of the Government of the Republic of Poland I hereby declare that the Republic of Poland withdraws its consent to the compulsory jurisdiction of the International Court of Justice communicated on 25 September 1990[1] in light of Article 36, paragraph 2, of the Statute of the Court. At the same time, I hereby declare that the Republic of Poland shall recognize with the effect as of 25 September 1996, in accordance with the provisions of the aforementioned article, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

(*a*) disputes prior to 25 September 1990 or disputes arisen out of facts or situations prior to the same date,

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[1] *I.C.J. Yearbook 1994-1995*, pp. 109-110.

(*b*) disputes with regard to the territory and State boundaries,
(*c*) disputes with regard to environmental protection,
(*d*) disputes with regard to foreign liabilities or debts,
(*e*) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than twelve months prior to the filing of the application bringing the dispute before the Court,
(*f*) disputes in respect whereof the parties have agreed or shall agree to have recourse to other method of peaceful settlement,
(*g*) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the Republic of Poland.

The Government of the Republic of Poland reserves its right to withdraw or modify the present Declaration at any time and by means of a notification addressed to the Secretary-General of the United Nations, taking effect after six months from the moment whereof.

25 March 1996.

(*Signed*) Dariusz ROSATI,
Minister of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

(1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;
(2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;
(3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(*Signed*) L. ESTEVES FERNANDES.

SENEGAL[1]

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahima FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

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[1] This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(*Signed*) Abdullahi Issa,
Minister for Foreign Affairs

SPAIN

[Translation from the Spanish] (29 X 90)

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

(*a*) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;
(*b*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;
(*c*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;
(*d*) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend

or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(*Signed*) Francisco FERNÁNDEZ ORDÓÑEZ,
Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(*a*) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;

(*b*) any question of international law;

(*c*) the existence of any fact, which, if established, would constitute a breach of an international obligation; or

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;

(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(*Signed*) Yacoub OSMAN,

Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;

(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(*Signed*) W. H. Werner VREEDZAAM,

Charge d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(*a*) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(*b*) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(*Signed*) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN[1]

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(*Signed*) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

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[1] This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute[1] and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(*Signed*) CELIO,
The President of the Confederation.

(*Signed*) LEIMGRUBER,
The Chancellor of the Confederation.

TOGO

[Translation from the French] 25 X 1979.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and desiring to contribute to the strengthening of the international legal order based on the principles set forth in the Charter of the United Nations,

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[1] Switzerland became a party to the Statute of the Court on 28 July 1948.

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(*Signed*) Akanyi-Awunyo KODJOVI.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(*Signed*) Apollo K. KIRONDE,
Ambassador and Permanent Representative
of Uganda to the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[1]

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern

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[1] This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I. No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

Ireland that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom

  (*a*) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or

  (*b*) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;

(ii) disputes with the government of any other country which is a Member of the Commonwealth with regard to situations or facts existing before 1 January 1969;

(iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(*Signed*) L. C. GLASS.

URUGUAY[1]

[*Translation from the French*] *Prior to* 28 I 21[2].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(*Signed*) B. FERNANDEZ Y MEDINA.

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[1] An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Panama, p. 149, above.

[2] The date on which this declaration (undated) was first published in a League of Nations document.

YUGOSLAVIA

26 IV 99.

I hereby declare that the Government of the Federal Republic of Yugoslavia recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes arising or which may arise after the signature of the present Declaration, with regard to the situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present Declaration does not apply to disputes relating to questions which, under international law, fall exclusively within the jurisdiction of the Federal Republic of Yugoslavia, as well as to territorial disputes.

The aforesaid obligation is accepted until such time as notice may be given to terminate the acceptance.

New York, 25 April 1999.

(*Signed*) Vladislav JOVANOVIC,
Chargé d'affaires a.i. of
the Permanent Mission of Yugoslavia
to the United Nations.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. A number of these clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision; others however refer only in general terms to submission of any dispute to the Court. For each instrument, the table mentions the d[illegible] and place of signature, the title of the instrument, the relevant clause [illegible] the contracting parties, and also, as far as available, the number unde[illegible] which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada/France	II:545 Vol. 253
1939				
17 Dec.	Bogota	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/ Venezuela	II:896 Vol. 1257
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II:195 Vol. 51
1944				
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/ Belgium/France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1]/ United States	I:359 Vol. 25
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12

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[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

	Place	*Title and Clause*	*Contracting Parties*	*Treaty Series*
1947				
15 Apr.	**Manila**	Treaty of amity (Art. 2)	China[1]/Philippines	I:175 Vol. 11
9 July	**Rome**	Treaty of friendship and general relations (Art. V)	Italy/Philippines	I:674 Vol. 44
17 Oct.	**London**	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom/Burma	I:904 Vol. 70
12 Nov.[2]	**Lake Success**	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I:710 Vol. 46
12 Nov.[2]	**Lake Success**	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I:772 Vol. 53
1948				
24 Jan.	**Paris**	Agreement concerning monetary and financial relations (Art. 23)	France/Lebanon	I:2263 Vol. 173
2 Feb.	**Rome**	Treaty of friendship, commerce and navigation (Art. XXVI)	United States/Italy	I:1040 Vol. 79
30 Apr.	**Bogota**	American treaty on pacific settlement	Multilateral	I:449 Vol. 30
21 May	**New Delhi**	Agreement relating to air services (Art. XI)	India/Sweden	I:543 Vol. 34
23 June	**Karachi**	Agreement relating to air services (Art. XI)	Pakistan/India	I:423 Vol. 28
28 June	**Rome**	Economic co-operation agreement (Art. X)	United States/Italy	I:314 Vol. 20
28 June	**Paris**	Economic co-operation agreement (Art. X)	United States/France	I:302 Vol. 19
29 June	**Copenhagen**	Economic co-operation agreement (Art. X)	United States/Denmark	I:336 Vol. 22
2 July	**Vienna**	Economic co-operation agreement (Art. IX)	United States/Austria	I:323 Vol. 21
2 July	**The Hague**	Economic co-operation agreement (Art. X)	United States/Netherlands	I:315 Vol. 20
2 July	**Athens**	Economic co-operation agreement (Art. X)	United States/Greece	I:342 Vol. 23
2 July	**Brussels**	Economic co-operation agreement (Art. X)	United States/Belgium	I:309 Vol. 19
3 July	**Oslo**	Economic co-operation agreement (Art. X)	United States/Norway	I:317 Vol. 20

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[1] See footnote 1, p. 162.

[2] The date and place given here are those of the signature of the amending protocol.

1948 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States Iceland	I: 316 Vol. 20
3 July	Nanking	Economic co-operation agreement (Art. XI)	United States China[1]	I: 273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States Luxembourg	I: 350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States Sweden	I: 343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States Turkey	I: 351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States United Kingdom	I: 339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States Portugal	I: 442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece Lebanon	I: 1179 Vol. 87
15 29 Nov.	Washington	*cf.* 1961, 23 Nov.		
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I: 1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan Ceylon	I: 428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I: 912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand Philippines	I: 1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France Switzerland	I: 22048 Vol. 1323
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I: 2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada Belgium	I: 782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala Italy	I: 1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I: 1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands Lebanon	I: 1474 Vol. 108

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[1] See footnote 1, p. 162.

1949 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I:934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I:3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I:789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand Canada	I:1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	I:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union Mexico	I:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom Norway	I:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom Norway	I:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium United Kingdom	I:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I:2545 Vol. 189

1951 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/ United States	I: 3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/ United States	I: 2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/ Ethiopia	I: 2780 Vol. 206
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I: 1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	I: 1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	I: 6096 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/ United Kingdom	I: 4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/ United Kingdom	I: 2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	I: 226 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I: 2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I: 2741 Vol. 203
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I: 1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I: 1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I: 2937 Vol. 216
1953				
9 Jan.		Treaty of permanent friendship (Art. VI)	Costa Rica/Spain	
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I: 2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I: 6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Japan	I: 2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/ United Kingdom	I: 2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I: 2274 Vol. 174

1953	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
(cont.)				
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I: 6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I: 2701 Vol. 200
14 Sep	Colombo	Agreement for air services (Art. 11)	Netherlands Ceylon	I: 2608 Vol. 193
24 Sep	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland Denmark	I: 2532 Vol. 188
26 Sep	Madrid	Economic aids agreement (Art. IX)	Spain United States	I: 2802 Vol. 207
19 Oct	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I: 2807 Vol. 207
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep 1926, as amended (Art. 8)	Multilateral	I: 2861 Vol. 212
24 Dec	Beirut	Agreement for air services (Art. 10)	Belgium Lebanon	I: 2972 Vol. 219
1954				
16 Feb	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden France	I: 3147 Vol. 228
3 Mar	Bangkok	Treaty of friendship (Art. VI)	Thailand Indonesia	I: 2893 Vol. 213
20 Mar	Mexico City	Consular convention (Art. 36)	United Kingdom Mexico	I: 4750 Vol. 331
17 Apr	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia Lebanon	I: 8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I: 4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom Italy	I: 5798 Vol. 403
28 Sep	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I: 5158 Vol. 360

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[1] The date and the place given here are those at which the amending protocol was opened for signature.

1954 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I: 10416 Vol. 724
23 Oct.[1]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I: 304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/Fed. Rep. of Germany	I: 3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I: 3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I: 4146 Vol. 284
1 Dec.[2]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I: 11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/Ecuador	I: 3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/United Kingdom	I: 2932 Vol. 216
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I: 6150 Vol. 427
10 Aug.	Tripoli	Treaty of friendship and good neighbourliness (Art. 3)	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I: 4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/Switzerland	I: 4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I: 5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I: 3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I: 7660 Vol. 529

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[1] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

[2] The date and place given here are those of the signature of the revised Convention.

1956	Place	Title and Clause	Contracting Parties	Treaty Series
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands United States	I: 4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I: 4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I: 5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I: 3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom Fed. Rep. of Germany	I: 4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines Switzerland	I: 4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I: 3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States Rep. of Korea	I: 4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece Sweden	I: 4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I: 4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway Japan	I: 4054 Vol. 280
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I: 3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention of the peaceful settlement of disputes	Multilateral	I: 4646 Vol. 320
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan Afghanistan	I: 4761 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I: 7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan Indonesia	I: 4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I: 5471 Vol. 381

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[1] See Sec. II, p. 127, above.

1958 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway Pakistan	I:4766 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden Pakistan	I:5656 Vol. 391
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark Pakistan	I:4351 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium Iran	I:5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[1]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium Pakistan	I:5566 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands Honduras	I:9234 Vol. 645
16 July	Rome	Agreement relating to air services (Art. XI)	India Italy	I:6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States Pakistan	I:5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I:5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States France	I:5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan Fed. Rep. of Germany	I:6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I:5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden Liberia	I:6716 Vol. 464
1960				
13 Feb.[2]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy Lebanon	I:3223 Vol. 497

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[1] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

[2] The date given here is the date of signature of the amending protocol.

1960 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/Guinea	I: 5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I: 8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium Switzerland	I: 5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands Fed. Rep. of Germany	I: 7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands Fed. Rep. of Germany	I: 7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom Austria	I: 7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I: 6059 Vol. 479
9 Dec.	Tokyo	Treaty of amity, commerce and navigation (Art. XIII, para. 2)	Japan Philippines	I: 14703 Vol. 1001
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I: 6193 Vol. 429
14 Dec.[1]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I: 552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I: 6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium United States	I: 6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium United Kingdom	I: 7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute (para. 4)	Iceland United Kingdom	I: 5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I: 7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States Republic of Viet Nam	I: 6106 Vol. 424

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[1] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I:7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom/Spain	I:8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden/Guinea	I:6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland (para. 5)	Iceland/Fed. Rep. of Germany	I:5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon/Liberia	I:11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/Jordan	I:6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I:14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/Liberia	I:8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I:7247 Vol. 496
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I:1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. III)	Multilateral	I:1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/Denmark	I:8197 Vol. 562

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

1962 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[1]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relatons concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596
13 Aug.	Asunción	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805
3 Dec.[2]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490

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[1] The date and the places given here are those of the exchange of letters.

[2] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1963 (*cont.*)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B. ii)	Pakistan/Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom/Japan	I:8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India/Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114 Vol. 1281
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom/Yugoslavia	I:8620 Vol. 595
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/Switzerland	I:8765 Vol. 605
*7 July	Taif	Agreement on the partition of the neutral zone (Art. 22)	Saudi Arabia/Kuwait	I:3054 Vol. 1750
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634

1967 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I:11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1925 (Art. 8)	Multilateral	I:23643 Vol. 1412
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I:15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I:16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I:10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I:18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I:10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium/United States	I:13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I:16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium/Yugoslavia	I:13441 Vol. 943
1970				
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I:21051 Vol. 1275

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[1] The date and the place given here are those of the signature of the revised Convention.

1970 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
19 June	Washington	Treaty on patent co-operation (Art. 59)	Multilateral	I: 18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I: 11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft (Art. 12, para. 1)	Multilateral	I: 12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I: 14956 Vol. 1019
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/USSR	I: 12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom/Ghana	I: 11467 Vol. 805
24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I: 25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I: 13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I: 14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I: 14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/Turkey	I: 15142 Vol. 1029
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	I: 25699
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I: 13668 Vol. 954

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[1] The date and the place given here are those of the signature of the revised Convention.

1973 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I:13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I:14604 Vol. 997
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I:16208 Vol. 1065
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/Argentina	I:21424 Vol. 1295
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I:14861 Vol. 1015
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I:15410 Vol. 1035
1974				
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	I:17429 Vol. 1120
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I:18338 Vol. 1161
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan/ Saudi Arabia	I:13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay/ Argentina	I:21425 Vol. 1295
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I:14152 Vol. 1976
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I:21048 Vol. 1275
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I:19487 Vol. 1208

1979	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I: 19674 Vol. 1219
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan/Philippines	I: 20979 Vol. 1272
8 Apr.	Vienna	Constitution of the United Nations Industrial Development Organization (UNIDO) (Art. 22, para. 1 *(b)*)	Multilateral	I: 23432 Vol. 1401
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I: 21931 Vol. 1316
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art. 29)	Multilateral	I: 20378 Vol. 1249
1980				
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I: 22301 Vol. 1329
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador/ Honduras	I: 21856 Vol. 1310
1981				
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. XI)	Switzerland/Benin	I: 19804 Vol. 1226
1984				
10 Dec.	New York	Convention against torture and other cruel, inhuman or degrading treatment or punishment (Art. 30, para. 1)	Multilateral	I: 24841 Vol. 1465
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I: 26164 Vol. 1513
*8 Nov.	Geneva	Agreement concerning the establishment of a branch office of the Organization in Madrid (Art. 8, para. 2)	International Labour Organization/Spain	I: 24015 Vol. 1422
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	I: 25822 Vol. 1500
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
10 Mar.	Rome	Convention for the suppression of unlawful acts against the safety of maritime navigation (Art. 18, para. 1)	Multilateral	I: 29004 Vol. 1678

1988 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	I:27627 Vol. 1582
1989				
*19 Oct.	Berne	Treaty on extradition (Art. 17, para. 2)	Philippines/ Switzerland	I:34124 Vol. 1994
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	I:37789
1990				
18 Dec.	New York	International Convention on the protection of the rights of all migrant workers and members of their families (Art. 92, para. 1)	Multilateral	
1991				
25 Feb.	Espoo	Convention on environmental impact assessment in a transboundary context (Art. 15, para. 2)	Multilateral	I:34028 Vol. 1989
1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection (Art. XI, para. 1)	Multilateral	
*25 Nov.	Berne	Treaty on mutual assistance in criminal matters (Art. 21, para. 3)	Australia/ Switzerland	I:31588 Vol. 1856
1992				
17 March	Helsinki	Convention on the protection and use of transboundary watercourses and international lakes (Art. 22, para. 1)	Multilateral	I:33207 Vol. 1936
9 May	New York	United Nations framework convention on climate change (Art. 14, para. 2)	Multilateral	I:30822 Vol. 1771
5 June	Rio de Janeiro	Convention on biological diversity (Art. 27, para. 3)	Multilateral	I:30619 Vol. 1760
1993				
*10 May	Canberra	Convention for the conservation of southern bluefin tuna (Art. 16, para. 2)	Multilateral	I:31155 Vol. 1819
*14 Oct.	Dakar	Agreement on management and co-operation (Art. 9)	Senegal/ Guinea-Bissau	I:32434 Vol. 1903

1994	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 June	Oslo	Protocol to the 1979 Convention on long-range transboundary air pollution on further reduction of sulphur emissions (Art. 9)	Multilateral	
1998				
*18 June	Tampere	Convention on the provision of telecommunication resources for disaster mitigation and relief operations (Art. 11, para. 3 *(b)*)	Multilateral	
*24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on persistent organic pollutants (Art. 12, para. 2 *(a)*)	Multilateral	
*24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on heavy metals (Art. 11, para. 2 *(a)*)	Multilateral	
*25 June	Aarhus	Convention on access to information, public participation in decision-making and access to justice in environmental matters (Art. 16, para. 2 *(a)*)	Multilateral	
*17 July	Rome	Statute of the International Criminal Court	Multilateral	
*10 Sep.	Rotterdam	Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Art. 20, para. 2 *(b)*)	Multilateral	
1999				
*17 June	London	Protocol on water and health to the 1992 convention on the protection and use of transboundary watercourses and international lakes (Art. 20, para. 2 *(b)*)	Multilateral	
2000				
*10 Jan.	New York	International convention for the suppression of the financing of terrorism (Art. 24, para. 1)	Multilateral	
*12 Dec.	Palermo	Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations convention against transnational organized crime (Art. 20, para. 2)	Multilateral	

2000 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
*12 Dec.	Palermo	Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime (Art. 15, para. 2)	Multilateral	
*12 Dec.	Palermo	United Nations convention against transnational organized crime (Art. 35, para. 2)	Multilateral	
2001				
*23 May	Stockholm	Convention on persistent organic pollutants (Art. 16, para. 2)	Multilateral	
*31 May	New York	Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations convention against transnational organized crime (Art. 16, para. 2)	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. SEAT

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978. An extension of that new wing as well as a number of newly constructed offices on the third floor of the Peace Palace were inaugurated in 1997.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 362, below).

II. ADMINISTRATION

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President (chair), the Vice-President and four judges who are elected tri-annually (at present Judges Ranjeva, Fleischhauer, Vereshchetin and Kooijmans).

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[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (pp. 204-205, below).

In 1967 the Court established a Committee on Relations. Its present members are Judges Parra-Aranguren (chair), Herczegh, Rezek and Al-Khasawneh. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Koroma (chair), Higgins, Kooijmans and Rezek) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Fleischhauer (chair), Herczegh, Koroma, Higgins, Buergenthal and Elaraby.

In 1997 the Court established a Committee on Computerization, at present under the chairmanship of Judge Higgins and open to all interested Members of the Court.

In 1999 the Court established a Committee on the Court's Museum. Its members are at present Judges Kooijmans (chair), Oda, Ranjeva and Vereshchetin.

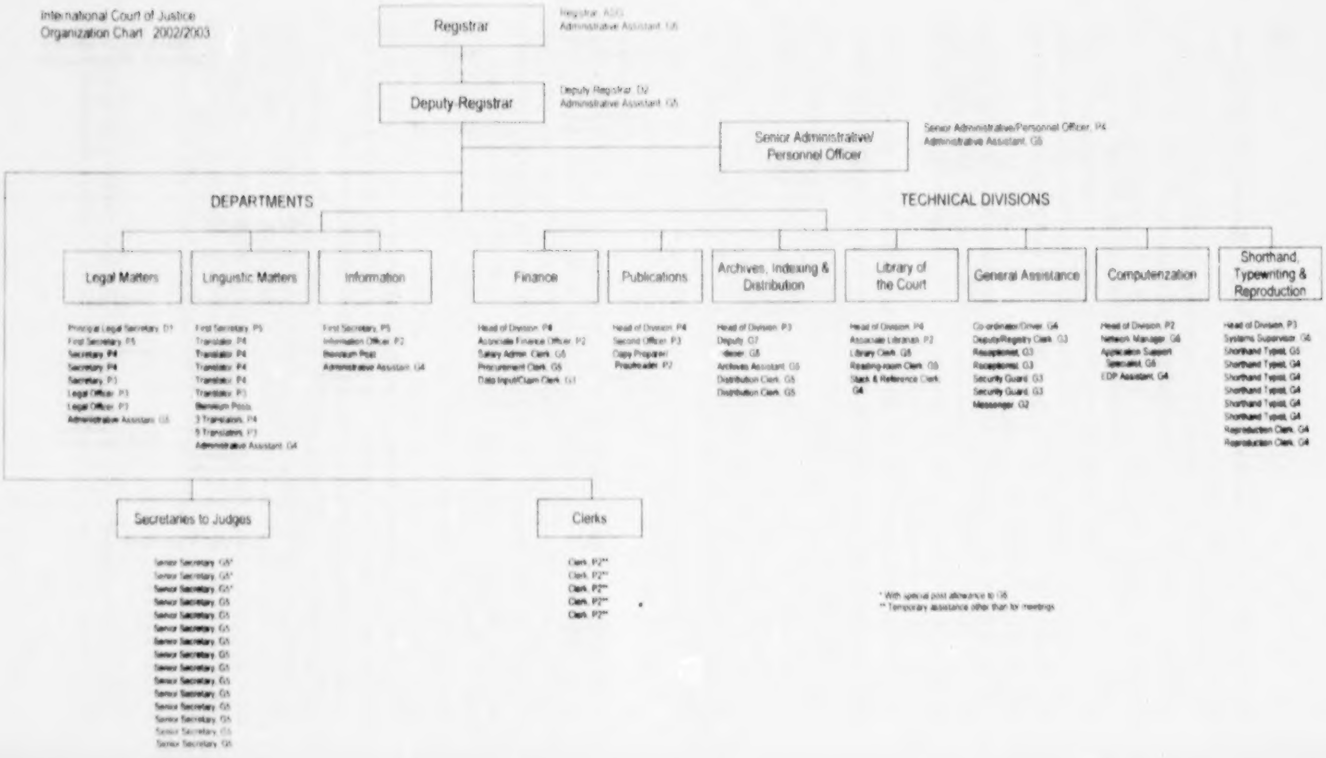
2. *The Registry*

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24). In December 1997 the Court accepted virtually all recommendations of a Sub-Committee on Rationalization which it had created to examine the working methods in the Registry and to make proposals for their rationalization and improvement (cf. the Court's response to General Assembly resolution 52/161, reproduced in *I.C.J. Yearbook 1997-1998*, p. 275). Following the inspection on management and administration in the Registry of the Court, made in 1999 by the Joint Inspection Unit, the ensuing report was considered by the General Assembly on 14 June 2001 (cf. General Assembly resolution 55/257). An organization chart of the Registry appears on the following page.

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may

International Court of Justice
Organization Chart 2002/2003


Registrar
Registrar, ASG
Administrative Assistant, G6
Deputy-Registrar
Deputy Registrar, D2
Administrative Assistant, G5
Senior Administrative/ Personnel Officer
Senior Administrative/Personnel Officer, P4
Administrative Assistant, G5
DEPARTMENTS
TECHNICAL DIVISIONS
Legal Matters
Principal Legal Secretary, D1
First Secretary, P5
Secretary, P4
Secretary, P4
Secretary, P3
Legal Officer, P3
Legal Officer, P3
Administrative Assistant, G5
Linguistic Matters
First Secretary, P5
Translator, P4
Translator, P4
Translator, P4
Translator, P4
Translator, P3
Biennium Posts
3 Translators, P4
5 Translators, P3
Administrative Assistant, G4
Information
First Secretary, P5
Information Officer, P2
Biennium Post
Administrative Assistant, G4
Finance
Head of Division, P4
Associate Finance Officer, P2
Salary Admin. Clerk, G6
Procurement Clerk, G5
Data Input/Claim Clerk, G3
Publications
Head of Division, P4
Second Officer, P3
Copy Preparer/ Proofreader, P2
Archives, Indexing & Distribution
Head of Division, P3
Deputy, G7
Indexer, G6
Archives Assistant, G6
Distribution Clerk, G5
Distribution Clerk, G5
Library of the Court
Head of Division, P4
Associate Librarian, P2
Library Clerk, G5
Reading-room Clerk, G6
Stack & Reference Clerk, G4
General Assistance
Co-ordinator/Driver, G4
Deputy/Registry Clerk, G3
Receptionist, G3
Receptionist, G3
Security Guard, G3
Security Guard, G3
Messenger, G2
Computerization
Head of Division, P2
Network Manager, G6
Application Support Specialist, G6
EDP Assistant, G4
Shorthand, Typewriting & Reproduction
Head of Division, P3
Systems Supervisor, G6
Shorthand Typist, G5
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Reproduction Clerk, G4
Reproduction Clerk, G4
Secretaries to Judges
Senior Secretary, G5*
Senior Secretary, G5*
Senior Secretary, G5*
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Clerks
Clerk, P2**
Clerk, P2**
Clerk, P2**
Clerk, P2**
Clerk, P2**

* With special post allowance to G6
** Temporary assistance other than for meetings

be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). He is the regular channel of communications to and from the Court, and in particular he effects all communications, notifications and transmissions of documents required by the Statute or by the Rules; he keeps a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry; he is present, in person or by his deputy, at meetings of the Court, and of the Chambers, and is responsible for the preparation of minutes of such meetings; he makes arrangements for such provision or verification of translations and interpretations into the Court's official languages (French and English) as the Court may require; he signs all judgments, advisory opinions and orders of the Court as well as the minutes; he is responsible for the administration of the Registry and for the work of all its departments and divisions, including the accounts and financial administration in accordance with the financial procedures of the United Nations; he assists in maintaining the Court's external relations, both with international organizations and States and in the fields of information and publications (official publications of the Court, press communiqués, etc.); finally, he has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Nuremberg Tribunal).

The Deputy-Registrar assists the Registrar and acts as Registrar in the latter's absence; he has recently been entrusted with wider administrative responsibilities, including direct supervision of the Archives, Computerization and General Assistance Divisions.

The present Registrar is Mr. Philippe Couvreur, of Belgian nationality, who was elected on 10 February 2000 for a term of 7 years. Mr. Couvreur, who joined the Court in 1982 as special assistant to the Registrar and the Deputy-Registrar, had risen to the rank of Secretary, then First Secretary, in the Legal Department and had served as Principal Legal Secretary since 1995. He has lectured in public international law at various universities, including the Université Catholique de Louvain, and he is the author of a number of publications on the Court.

On 15 February 1994 the Court elected Mr. Jean-Jacques Arnaldez to the post of Deputy-Registrar for a term of 7 years, as from 19 February 1994. He was re-elected for a term of seven years on 19 February 2001. Mr. Arnaldez, who is of French nationality, was previously Legal Counsel in a Paris international law firm (1977-1982) and Counsel in the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1982-1994).

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980), S. Torres Bernárdez (1980-1986) and E. Valencia-Ospina

(1987-2000). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), A. Pillepich (1977-1984), E. Valencia-Ospina (1984-1987) and B. Noble (1987-1994).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service staff, however, are appointed by the Registrar with the approval of the President. Short-term staff are appointed by the Registrar (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 2002.

	Date of assumption of duties	*Nationality*
Department of Legal Matters		
Principal Legal Secretary		
Vacant		
First Secretary		
J.-P. Isselé	5 April 1988	French
Secretaries		
F. Ouguergouz	6 February 1995	Algerian
S. Pounjine	1 August 1997	Russian
Legal Officers		
C. Espaliú Berdud	19 June 2000	Spanish
Ms N. Wiles	17 July 2000	British
Law Clerks		
Ms O. Raposo Da Silva Telles	22 April 2002	Brazilian
Ms N. Bayat	15 May 2002	South African
Ms Y. Takashiba	1 June 2002	Japanese
G. Etienne	3 June 2002	French
N. Burniat	1 June 2002	Belgian
Department of Linguistic Matters		
First Secretary		
A. Brouillet	13 June 1988	French

Translators/Interpreters

T. Johnston	1 September 1998	British
E. Gassama	4 March 2002	Senegalese
P. Hilgert	29 August 2001	French
J. Scharfer	17 April 2000	American and French
Ms A. Merand	2 July 2001	French
Ms A. Mairesse	14 January 2002	French
N. Ramade	1 May 2001	French
Ms M. Acker	21 June 1999	French
Ms N. Apfelbaum-Lubek	5 June 2001	French and Canadian
Ms V. Sorensen Ravnso	21 January 2002	French
P. Nicolle	15 January 2002	French
Ms M. Vidil	1 July 2001	French

Department of Information

First Secretary

A. Th. Witteveen	15 July 1975	Dutch

Information Officers

Ms L. Blairon	1 October 1997	Belgian
B. Heim	1 February 2002	French

Publications Division

S. H. Herd Head of Division	1 August 1987	British
A. Baudat	1 November 2000	Swiss

Finance Division

M. Mendella Head of Division	1 April 1986	Canadian
Ms C. Sappore-Siaw Deputy Head of Division	1 January 1999	Gambian
C. Uriot	1 March 1981	Dutch
T. Komnenović	1 August 1973	Yugoslav

Documents Division/Library of the Court

A. C. G. M. Eyffinger Librarian, Head of Division	1 February 1988	Dutch
M. Schiethart Deputy Head of Division	1 January 1981	Dutch
Ms C. Fumé	23 July 2002	French
G. Vooijs	1 January 1981	Dutch

Archives, Indexing and Distribution Division

S. R. S. Bedi Head of Division	16 September 1985	Indian

M. Sow Deputy Head of Division	1 August 1985	Senegalese
Ms S. Arlen	1 May 2002	French
Indexing		
Ms M. P. Castro Granja	4 June 2000	Spanish
Distribution		
D. van Rooij	16 April 1975	Dutch
D. Ahanhanzo	1 July 2001	Beninese

Administrative Assistants

Ms A.-M. Curvers	1 September 1996	Belgian
Ms D. Brouillet-Sourisseau	1 January 1990	French
Ms A. Hooft-Dupont	22 September 1997	Belgian
Ms A. Dumoulin	14 May 2001	French
Ms S. Burer	1 June 1999	Dutch

Shorthand, Typewriting and Reproduction Division

Ms C. Blom-Rakoto Head of Division	5 September 1983	French and Malagasy
Ms H. E. Jeffares Deputy Head of Division	1 October 1993	Irish
Shorthand Typists		
French-speaking		
Ms F. Delbruyère	14 April 1997	Belgian
Ms B. Chassang	1 October 1999	French
Ms L. Lamarre	10 January 2000	Canadian
Ms D. Marlhens	4 March 2002	French
Ms Z. Bouknana	2 April 2002	French
Ms E. Rabilloud	13 May 2002	French
English-speaking		
Ms H. Guérin	1 January 2000	American and French
Ms M. Cavelier	19 June 2001	French and Mexican
Ms L. Tanggahma	14 March 2001	Dutch
Reproduction		
G. D'Olivo	1 December 1982	Italian and Dutch
E. van Heeswijk	17 August 1993	Dutch

Secretaries of Members of the Court

Ms W. Ch. Deelder Co-ordinator	1 July 1982	Dutch
Ms M. Page	1 January 1981	French

Ms M. Cleary-Cogan	16 January 1989	British
Ms J. E. van Hamel-Newall	1 November 1985	British
Ms J. Devisme	1 January 1986	French
Ms H. H. Muijen	1 June 1987	Dutch
Ms A. Rowland-Moore	1 January 1989	British
Ms M. Sullivan	1 January 1990	British
Ms Ch. L. Kamers	8 March 1993	Dutch
Ms M.-F. Teven	30 January 1995	French
Ms D. Okandeji	8 September 1997	French
Ms C. Wainwright	1 January 1999	Australian
Ms S. van Beek	1 May 2002	American
Ms J. Talbot	21 March 2002	Australian
Computerization Division		
B. J. van Veen	1 March 1982	Dutch
H. Laeijendecker	1 April 1994	Dutch
Ms M. Hand	1 November 1997	British
General Assistance Division		
I. J. van der Meer Co-ordinator	1 February 1979	Dutch
H. R. I. Castens Registry Clerk	1 June 1999	Dutch
Telephone Operators/Receptionists		
Ms M. Buan	1 October 1991	Dutch
Ms I. Kieffer	25 June 2001	French
Security Guards		
R. Pijl	1 January 1990	Dutch
J. J. Neüs	1 June 1999	Dutch
Messenger		
D. Driessen	1 April 1982	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164), and again in April 1997 (see *I.C.J. Yearbook 1997-1998*, p. 265).

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) *Correspondence*

Article 26, paragraph 1 (*a*), of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands* (telegraphic address: INTERCOURT THE HAGUE; Telex: 32323; Telefax (3170) 364 99 28; E-mail addresses: webmaster@icj-cij.org (technical comments), information@icj-cij.org (requests for information and for documents) and mail@icj-cij.org (other requests and comments). It should be written in either English or French[1].

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[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (3170) 302 23 23.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the First Secretaries.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[1].

In order to increase the availability of Court documents and reduce communication costs, the Court decided to develop a website, which was launched on 25 September 1997 in both English and French. At the time of preparation of this *Yearbook*, it featured the full text of the Court's Judgments and Orders since 1996 (posted on the day they were delivered), summaries of past decisions, most of the relevant documents in pending cases (Application or Special Agreement and written and oral pleadings); unpublished pleadings available in electronic form for cases prior to 1996; press releases; some basic documents (United Nations Charter and the Statute and Rules of the Court); declarations recognizing as compulsory the jurisdiction of the Court and a list of treaties and other agreements relating to that jurisdiction; general information on the Court's history and procedure; and the biographies of the judges, as well as a catalogue of publications. The website can be visited at the following address: http://www.icj-cij.org.

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[1] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 323-325.

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry:

Press Communiqués;

Background Notes, of which five are available:

- *II* and *II bis. Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976);*
- *IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972;*
- *V. Note by the Registry on the Revised Rules of Court (1978);*
- *VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986);*
- *VII. Note by the Registry indicating the Rules of Court (1978) amended on 5 December 2000.*

Also obtainable, in the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, from the Registry or United Nations Information Centres, are:

– a popular booklet entitled "The International Court of Justice. Questions and Answers about the Principal Judicial Organ of the United Nations" (2000), published by the United Nations Department of Public Information on co-operation with the Court. The Arabic, Chinese, Dutch, English, French, Russian and Spanish editions have been published.

– a "handbook", in French (English edition out of print), on *The International Court of Justice* (1996), the former edition (1986) of which was published in Arabic, Chinese, English, French, Russian, Spanish and German (German edition out of stock).

– unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind. During the period under review the Court received a great number of groups including diplomats, scholars and academics, judges and representatives of judicial authorities, lawyers and legal professionals, as well as others.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 194, 195, 197).

III. PRACTICE IN REGARD TO PROCEDURE[1]

1. *General*

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives

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[1] For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; *I.C.J. Yearbook 1989-1990*, pp. 157-162; *I.C.J. Yearbook 1990-1991*, pp. 174-182; *I.C.J. Yearbook 1991-1992*, pp. 198-204; *I.C.J. Yearbook 1992-1993*, pp. 242-248; *I.C.J. Yearbook 1993-1994*, pp. 209-216; *I.C.J. Yearbook 1994-1995*, pp. 199-206; *I.C.J. Yearbook 1995-1996*, pp. 224-240; *I.C.J. Yearbook 1996-1997*, pp. 197-202; *I.C.J. Yearbook 1997-1998*, pp. 249-272; *I.C.J. Yearbook 1998-1999*, pp. 288-309; *I.C.J. Yearbook 1999-2000*, pp. 262-274; and pp. 290-301 in Chapter VI, below.

(Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976)*.

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. *Procedure in Contentious Cases*

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 106-108, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted. Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40; Practice Direction VIII). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

At their first meeting with the Registrar the representatives of the Parties are given a *Note Containing Recommendations to the Parties*. That Note was made public in April 1998[1]. The Note was modified by the Court in December 2000 to expedite the proceedings on preliminary objections[1] and again in October 2001 to take into account the adoption of Practice Directions (see pp. 3-5 above).

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[1] See *I.C.J. Yearbook 1997-1998*, pp. 284-286, and I.C.J. Press Release 98/14.

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14; Practice Direction I).

The party's submissions are set out in each pleading (Rules, Art. 49; Practice Direction II).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52; Practice Directions III and IV) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents (75 of which should be on paper, while 50 may be on CD-ROM);
- a diskette of any pleading prepared by electronic means;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with.

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

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[1] See *I.C.J. Yearbook 2000-2001*, p. 196.

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20; Practice Direction VI).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

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[1] In the *Corfu Channel (United Kingdom v. Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia v. Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy)* heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* the Court heard a witness presented by one of the Parties, but did not accede to a request concerning an inspection *in loco*. The Court did pay a visit to the site of the hydroelectric dam project at Gabčíkovo-Nagymaros in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*.

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court (Practice Direction IX); such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Admission cards are issued to members of the diplomatic corps and to representatives of the press and also to any person who makes application either in writing or in person at the Peace Palace on the occasion of a hearing. Photographs may be taken for a few minutes at the opening of hearings. Filming for cinema or television purposes is allowed. There is a Press Room within the Peace Palace, and also a Post Office where a number of telephones are available for the use of journalists. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(e)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above).

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 348-356, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 357, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

In addition, there exists a Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, established on 1 November 1989[1]. The Fund is designed to encourage States to settle their disputes peaceably by submitting them to the Court. To be eligible for funding, a State must be entitled to appear before the Court (see Chap. III, pp. 98-105, for an explanation of which States are so entitled) and demonstrate a need for financial assistance. In addition, the dispute must be submitted to the Court by Special Agreement.

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[1] Cf. United Nations doc. A/44/PV.43 (1989).

3. Occasional Rules in Contentious Cases

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[1].

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[2].

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 108, above) must be filed as soon as possible, and not later than three months after the delivery of the Memorial (Rules, Art. 79). Notwithstanding that provision the Court, following the submission of the application in a case and after the

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[1] Such provisional measures have been requested in the following 34 cases: *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran)*; *Interhandel (Switzerland* v. *United States of America)*; *Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland)*; *Nuclear Tests (Australia* v. *France) (New Zealand* v. *France)*; *Trial of Pakistani Prisoners of War (Pakistan* v. *India)*; *Aegean Sea Continental Shelf (Greece* v. *Turkey)*; *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)*; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)* (in this case the request was withdrawn); *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*; *Passage through the Great Belt (Finland* v. *Denmark)*; *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)*; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* (in this case two requests were made by Bosnia and Herzegovina and one by Yugoslavia; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*; *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests* (New Zealand *v.* France) *Case*; *Vienna Convention on Consular Relations (Paraguay* v. *United States of America)*; *LaGrand (Germany* v. *United States of America)*; in the ten cases concerning *Legality of Use of Force (Yugoslavia* v. *Belgium) (Yugoslavia* v. *Canada) (Yugoslavia* v. *France) (Yugoslavia* v. *Germany) (Yugoslavia* v. *Italy) (Yugoslavia* v. *Netherlands) (Yugoslavia* v. *Portugal) (Yugoslavia* v. *Spain) (Yugoslavia* v. *United Kingdom) (Yugoslavia* v. *United States of America)*; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*; *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*; and *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*.

[2] Proceedings were joined in the following cases: *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)*; *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*.

President has met and consulted with the parties, may decide that any questions of jurisdiction and admissibility shall be determined separately. Where the Court so decides, the parties shall submit any pleadings as to jurisdiction and admissibility within the time-limits fixed by the Court and in the order determined by it. Preliminary objections suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. In accordance with Practice Direction V, this time-limit should generally not exceed four months. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[1]. The Court may also give effect to an agreement between the parties that objections should be heard and determined within the framework of the merits[1].

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[1] The Court gave its decision on the preliminary objections raised in the following 22 cases: *Corfu Channel* (*United Kingdom* v. *Albania*); *Ambatielos* (*Greece* v. *United Kingdom*); *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Nottebohm* (*Liechtenstein* v. *Guatemala*); *Monetary Gold Removed from Rome in 1943* (*Italy* v. *France, United Kingdom and United States of America*); *Certain Norwegian Loans* (*France* v. *Norway*); *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Interhandel* (*Switzerland* v. *United States of America*); *Aerial Incident of 27 July 1955* (*Israel* v. *Bulgaria*); *Temple of Preah Vihear* (*Cambodia* v. *Thailand*); *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *Northern Cameroons* (*Cameroon* v. *United Kingdom*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*); *Elettronica Sicula S.p.A.* (*ELSI*) (*United States of America* v. *Italy*); *Certain Phosphate Lands in Nauru* (*Nauru* v. *Australia*); *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (*Libyan Arab Jamahiriya* v. *United Kingdom*) (*Libyan Arab Jamahiriya* v. *United States of America*); *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*); *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria*); and *Aerial Incident of 10 August 1999* (*Pakistan* v. *India*). Each of the respondent States in the cases concerning *Legality of Use of Force* (*Yugoslavia* v. *Belgium*) (*Yugoslavia* v. *Canada*) (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *Netherlands*) (*Yugoslavia* v. *Portugal*) (*Yugoslavia* v. *United Kingdom*) raised preliminary objections of lack of jurisdiction and admissibility. In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn (*Rights of Nationals of the United States of America in Morocco* (*France* v. *United States of America*)) or as the result of a discontinuance (*Aerial Incident of 27 July 1955* (*United States of America* v. *Bulgaria*); *Barcelona Traction, Light and Power Company, Limited* (first application) (*Belgium* v. *Spain*); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (*France* v. *Lebanon*); *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran* v. *United States of America*); *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Burundi*) (*Democratic Republic of the Congo* v. *Rwanda*)). The Court also dealt with questions of jurisdiction or admissibility in the following 13 cases: *Appeal Relating to the Jurisdiction of the ICAO Council* (*India* v. *Pakistan*); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*); *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar* v. *Bahrain*); *East Timor* (*Portugal* v. *Australia*); *Fisheries Jurisdiction* (*Spain* v. *Canada*); and *LaGrand* (*Germany* v. *United States of America*). The Court did not deal with questions of jurisdiction or admissibility raised in the case concerning the *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*).

(d) *Counter-claims*

Counter-claims may be presented if they are directly connected with the subject-matter of the claim of the other party and come within the jurisdiction of the Court. They are to be made by a party in its Counter-Memorial, as part of the submissions. In case of doubt, it is for the Court to decide whether a counter-claim is admissible and shall form part of the proceedings (Rules, Art. 80)[2].

(e) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[3].

If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[4].

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[1] This was done in the cases concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* and *East Timor (Portugal* v. *Australia)*. Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans (France* v. *Norway)* and by decision of the Court in the following two cases: *Right of Passage over Indian Territory (Portugal* v. *India)*; *Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain)*.

[2] Counter-claims were made by the respondent States, and admitted by the Court, in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*; *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*; and *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*. During the period under review, the Court has placed on record the withdrawal of the counter-claims submitted by the respondent State in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*.

[3] Permission to intervene was applied for in the *Nuclear Tests* cases *(Australia* v. *France) (New Zealand* v. *France)*, in the cases concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*; in the *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the* Nuclear Tests (New Zealand v. France) *Case*. (In that case, several States filed a document entitled "Application for Permission to Intervene under Article 62/Declaration of Intervention under Article 63"); in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)* and in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*.

[4] A third State intervened in the *Haya de la Torre (Colombia* v. *Peru)* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*. (See also footnote 3 above.)

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(f) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[1].

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[2].

(g) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, pp. 108-109).

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[1] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom v. Albania), Assessment of Amount of Compensation; Anglo-Iranian Oil Co. (United Kingdom v. Iran), Interim Protection; Nottebohm (Liechtenstein v. Guatemala), Preliminary Objection; Fisheries Jurisdiction (United Kingdom v. Iceland) (Federal Republic of Germany v. Iceland), Interim Protection, Jurisdiction of the Court* and *Merits; Nuclear Tests (Australia v. France) (New Zealand v. France), Interim Protection* and *Second Phase; Trial of Pakistani Prisoners of War (Pakistan v. India), Interim Protection; Aegean Sea Continental Shelf (Greece v. Turkey), Interim Protection* and *Jurisdiction of the Court; United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Provisional Measures* and *Merits; Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits; Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility.*

[2] The following 14 cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France v. Egypt); Electricité de Beyrouth Company (France v. Lebanon); Aerial Incident of 27 July 1955 (United States of America v. Bulgaria) (United Kingdom v. Bulgaria); Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. Lebanon); Trial of Pakistani Prisoners of War (Pakistan v. India); Border and Transborder Armed Actions (Nicaragua v. Costa Rica); Border and Transborder Armed Actions (Nicaragua v. Honduras); Passage through the Great Belt (Finland v. Denmark); Certain Phosphate Lands in Nauru (Nauru v. Australia); Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal); Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America); Vienna Convention on Consular Relations (Paraguay v. United States of America)*; and *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi) (Democratic Republic of the Congo v. Rwanda)*. Furthermore, the cases concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)* and *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[1,2].

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(h) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[3].

4. *Procedure in Advisory Cases*

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 17-22, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 109-110, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations

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[1] The Court gave a decision on a request for interpretation of its Judgment in the case concerning *Asylum (Colombia/Peru)* and of its Judgment on preliminary objections in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria*. See also p. 108, footnote 2, and p. 109, footnote 1, above.

[2] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*. An application for revision of the Court's Judgment of 11 July 1996 on preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)* was made by Yugoslavia in April 2001.

[3] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* in the case of that name.

considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[1].

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

IV. OCCASIONAL FUNCTIONS ENTRUSTED TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty may consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

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[1] The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. *Other Requests for Appointment of Arbitrators*

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. *Other Appointments*

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 2001-2002

During the period under review 25 contentious cases were pending, 24 of which remain so.

Over this period, the Court was seised of three new cases: (*a*) *Territorial and Maritime Dispute* (*Nicaragua* v. *Colombia*), (*b*) *Frontier Dispute* (*Benin/Niger*) and (*c*) *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*).

A request for the indication of provisional measures was made by the applicant State in the case concerning *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*).

The respondent State in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*) indicated that it intended to withdraw its counter-claims.

The Court held public hearings in the cases concerning *Arrest Warrant of 11 April 2000* (*Democratic Republic of the Congo* v. *Belgium*), *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria: Equatorial Guinea intervening*), and *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia/Malaysia*), as well as on the request for provisional measures in the case concerning *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*). It further held a great number of private meetings.

The Court rendered a Judgment on the Application by the Philippines for permission to intervene in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia/Malaysia*), as well as a Judgment in the case concerning *Arrest Warrant of 11 April 2000* (*Democratic Republic of the Congo* v. *Belgium*). The Court made an Order in the case concerning *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*), finding two of the three counter-claims submitted by Uganda admissible, but that a third was not, and fixing the time-limits for the subsequent procedure. The Court also made an Order on the request for the indication of provisional measures which was presented by the Democratic Republic of the Congo in the case concerning *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*).

Furthermore, the Court made Orders fixing or extending the time-limits in the cases concerning *Legality of Use of Force* (*Yugoslavia* v. *Belgium*) (*Yugoslavia* v. *Canada*) (*Yugoslavia* v. *France*) (*Yugoslavia* v. *Germany*) (*Yugoslavia* v. *Italy*) (*Yugoslavia* v. *Netherlands*) (*Yugoslavia*

v. *Portugal*) (*Yugoslavia* v. *United Kingdom*), *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea* (*Nicaragua* v. *Honduras*) and *Territorial and Maritime Dispute* (*Nicaragua* v. *Colombia*).

The President of the Court made an Order by which he placed on record the withdrawal of the counter-claims submitted by Yugoslavia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*). He further made an Order fixing a time-limit in the case concerning *Certain Property* (*Liechtenstein* v. *Germany*).

The Vice-President, Acting President, made an Order authorizing the submission by Iran of an additional pleading and fixing the time-limit for the submission of that pleading in the case concerning *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*).

The Court further adopted Practice Directions to supplement the Rules of Court (see pp. 3-5, above).

I. Cases before the Court

1, 2. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Libyan Arab Jamahiriya v. United States of America)

On 3 March 1992 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court two separate Applications instituting proceedings against the Government of the United Kingdom of Great Britain and Northern Ireland and against the United States of America in respect of a dispute over the interpretation and application of the Montreal Convention of 23 September 1971, a dispute arising from acts resulting in the aerial incident that occurred over Lockerbie, Scotland, on 21 December 1988.

In the Applications, Libya referred to the charging and indictment of two Libyan nationals by the Lord Advocate of Scotland and by a Grand Jury of the United States, respectively, with having caused a bomb to be placed aboard Pan Am flight 103. The bomb subsequently exploded, causing the aeroplane to crash, as a consequence of which 270 persons were killed.

Libya contended that the acts alleged constituted an offence within the meaning of Article 1 of the Montreal Convention, which it claimed to be the only appropriate convention in force between the Parties, and claimed that it had fully complied with its own obligations under that instrument, Article 5 of which required a State to establish its own jurisdiction over alleged offenders present in its territory in the event of their non-extradition; there was no extradition treaty between Libya and the respective other Parties, and Libya was obliged under Article 7 of the Convention to submit the case to its competent authorities for the purpose of prosecution.

Libya contended that the United Kingdom and the United States were in breach of the Montreal Convention through rejection of its efforts to resolve the matter within the framework of international law, including the Convention itself, in that they were placing pressure upon Libya to surrender the two Libyan nationals for trial.

According to the Applications, it had not been possible to settle by negotiation the disputes that had thus arisen, neither had the Parties been able to agree upon the organization of an arbitration to hear the matter. The Libyan Arab Jamahiriya therefore submitted the disputes to the Court on the basis of Article 14, paragraph 1, of the Montreal Convention.

Libya requested the Court to adjudge and declare as follows:

(*a*) that Libya has fully complied with all of its obligations under the Montreal Convention;

(*b*) that the United Kingdom and the United States respectively have breached, and are continuing to breach, their legal obligations to Libya under Articles 5 (2), 5 (3), 7, 8 (2) and 11 of the Montreal Convention; and

(*c*) that the United Kingdom and the United States respectively are under a legal obligation immediately to cease and desist from such breaches and from the use of any and all force or threats against Libya, including the threat of force against Libya, and from all violations of the sovereignty, territorial integrity, and the political independence of Libya.

Later the same day, Libya made two separate requests to the Court to indicate forthwith the following provisional measures:

(*a*) to enjoin the United Kingdom and the United States respectively from taking any action against Libya calculated to coerce or compel Libya to surrender the accused individuals to any jurisdiction outside of Libya; and

(*b*) to ensure that no steps are taken that would prejudice in any way the rights of Libya with respect to the legal proceedings that are the subject of Libya's Applications.

In those requests Libya also requested the President, pending the meeting of the Court, to exercise the power conferred on him by Article 74, paragraph 4, of the Rules of Court, to call upon the Parties to act in such a way as to enable any Order the Court might make on Libya's request for provisional measures to have its appropriate effects.

By a letter of 6 March 1992, the Legal Adviser of the United States Department of State, referring to the specific request made by Libya under Article 74, paragraph 4, of the Rules of Court, in its request for the indication of provisional measures, stated *inter alia* that

> "taking into account both the absence of any concrete showing of urgency relating to the request and developments in the ongoing action by the Security Council and the Secretary-General in this matter . . . the action requested by Libya . . . is unnecessary and could be misconstrued".

Libya chose Mr. Ahmed S. El-Kosheri to sit as judge *ad hoc* in both cases.

At the opening of the hearings on the request for the indication of provisional measures, on 26 March 1992, the Vice-President of the Court, exercising the functions of the presidency in the case, referred to the request made by Libya under Article 74, paragraph 4, of the Rules of Court and stated that, after the most careful consideration of all the circumstances then known to him, he had come to the conclusion that it would not be appropriate for him to exercise the discretionary power conferred on the President by that provision. At five public sittings held on 26, 27 and 28 March 1992, both Parties in each of the two cases presented oral arguments on the request for the indication of provisional measures.

At a public sitting held on 14 April 1992, the Court read the two Orders on the requests for indication of provisional measures filed by Libya (*I.C.J. Reports 1992*, pp. 3 and 114), in which it found that the circumstances of the cases were not such as to require the exercise of its power to indicate such measures.

Acting President Oda and Judge Ni each appended a declaration to the Orders of the Court; Judges Evensen, Tarassov, Guillaume and Aguilar-Mawdsley appended a joint declaration. Judges Lachs and Shahabuddeen appended separate opinions; and Judges Bedjaoui, Weeramantry, Ranjeva, Ajibola and Judge *ad hoc* El-Kosheri appended dissenting opinions to the Orders.

By Orders of 19 June 1992 (*ibid.*, pp. 231 and 234), the Court, taking into account that the length of time-limits had been agreed by the Parties at a meeting held on 5 June 1992 with the Vice-President of the Court, exercising the function of the presidency in the two cases, fixed 20 December 1993 as the time-limit for the filing of the Memorials of Libya and 20 June 1995 for the filing of the Counter-Memorials of the United Kingdom and the United States of America. The Memorials were filed within the prescribed time-limit.

On 16 and 20 June 1995 respectively the United Kingdom and the United States of America filed preliminary objections to the jurisdiction of the Court to entertain the Applications of the Libyan Arab Jamahiriya.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

After a meeting had been held, on 9 September 1995, between the President of the Court and the Agents of the Parties to ascertain the latters' views, the Court, by Orders of 22 September 1995 (*I.C.J. Reports 1995*, pp. 282 and 285), fixed, in each case, 22 December 1995 as the time-limit within which the Libyan Arab Jamahiriya might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom and the United States of America respectively. Libya filed such statements within the prescribed time-limits.

The Secretary-General of the International Civil Aviation Organization, which had, in accordance with Article 34, paragraph 3, of the Statute, been informed that the interpretation of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aircraft, concluded in Montreal on 23 September 1971, was in issue in the two cases, and been communicated copies of the written proceedings, informed the Court that the Organization had "no observation to make for the time being", requesting, however, to be kept informed of the developments of the two cases, in order to determine whether it would be appropriate to submit observations at a later stage.

Judge Higgins having recused herself, the United Kingdom chose Sir Robert Jennings to sit as judge *ad hoc*.

Public sittings to hear the oral arguments of the Parties on the preliminary objections raised by the United Kingdom and the United States of America were held from 13 to 22 October 1997.

At public sittings held on 27 February 1998, the Court delivered the two Judgments on the preliminary objections (*I.C.J. Reports 1998*, pp. 9 and 115 respectively), by which it rejected the objection to jurisdiction raised by the United Kingdom and the United States of America respectively on the basis of the alleged absence of a dispute between the Parties concerning the interpretation or application of the Montreal Convention of 23 September 1971; found that it had jurisdiction, on the basis of Article 14, paragraph 1, of that Convention, to hear the disputes between Libya and the United Kingdom and Libya and the United States of America respectively as to the interpretation or application of the provisions of that Convention; rejected the objection to admissibility derived by the United Kingdom and the United States of America respectively from Security Council resolutions 748 (1992) and 883 (1993); found that the Applications filed by Libya on 3 March 1992 were admissible; and declared that the objection raised by each of the respondent States according to which Security Council resolutions 748 (1992) and 883 (1993) had rendered the claims of Libya without object did not, in the circumstances of the case, have an exclusively preliminary character.

Joint declarations were appended to the Judgment in the case of *Libya v. United Kingdom* by Judges Bedjaoui, Guillaume and Ranjeva; by Judges Bedjaoui, Ranjeva and Koroma; and by Judges Guillaume and Fleischhauer; Judge Herczegh also appended a declaration; Judges Kooijmans and Rezek appended separate opinions; President Schwebel, Judge Oda and Judge *ad hoc* Sir Robert Jennings appended dissenting opinions.

In the case of *Libya v. United States of America* joint declarations were appended to the Judgment by Judges Bedjaoui, Ranjeva and Koroma; and by Judges Guillaume and Fleischhauer; Judge Herczegh also appended a declaration; Judges Kooijmans and Rezek appended separate opinions; President Schwebel and Judge Oda appended dissenting opinions.

By Orders of 30 March 1998 (*I.C.J. Reports 1998*, pp. 237 and 240 respectively), the Court fixed 30 December 1998 as the time-limit for the filing of the Counter-Memorials of the United Kingdom and the United States of America respectively. Upon a proposal of the United Kingdom and of the United States respectively, who referred to diplomatic initiatives undertaken shortly before, and after the views of Libya had been ascertained, the Senior Judge, Acting President, of the Court extended by Orders of 17 December 1998 (*I.C.J. Reports 1998*, pp. 746 and 749) that time-limit by three months to 31 March 1999. The Counter-Memorials were filed within the time-limit thus extended.

By Orders of 29 June 1999 (*I.C.J. Reports 1999*, pp. 975 and 979), the Court, taking account of the agreement of the Parties and the special circumstances of the case, authorized the submission of a Reply by Libya and a Rejoinder by the United Kingdom and the United States of America respectively, fixing 29 June 2000 as the time-limit for the filing of Libya's Reply. The Court fixed no date for the filing of the Rejoinders; the representatives of the respondent States had expressed the desire that no such date be fixed at this stage of the proceedings, "in view of the new circumstances consequent upon the transfer of the two accused to the Netherlands for trial by a Scottish court". Libya's Reply was filed within the prescribed time-limit.

By Orders of 6 September 2000 (*I.C.J. Reports 2000*, pp. 140 and 143), the President of the Court, taking account of the views of the Parties, fixed 3 August 2001 as the time-limit for the filing of the Rejoinder of the United Kingdom and the United States respectively. The Rejoinders were filed within the prescribed time-limits.

3. *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*

On 2 November 1992 the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America in respect of a dispute concerning the destruction of three Iranian oil platforms.

The Islamic Republic founded the jurisdiction of the Court for the purposes of these proceedings on Article XXI (2) of the Treaty of Amity, Economic Relations and Consular Rights between the United States of America and Iran, signed at Tehran on 15 August 1955.

In its Application Iran alleged that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. In this connection Iran referred in particular to Articles I and X (1) of the Treaty which provide respectively: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran", and "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation".

The Islamic Republic accordingly requested the Court to adjudge and declare as follows:

> "(*a*) that the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by the Islamic Republic;
>
> (*b*) that in attacking and destroying the oil platforms referred to in the Application on 19 October 1987 and 18 April 1988, the United States breached its obligations to the Islamic Republic, *inter alia*, under Articles I and X (1) of the Treaty of Amity and international law;
>
> (*c*) that in adopting a patently hostile and threatening attitude towards the Islamic Republic that culminated in the attack and destruction of the Iranian oil platforms, the United States breached the object and purpose of the Treaty of Amity, including Articles I and X (1), and international law;
>
> (*d*) that the United States is under an obligation to make reparations to the Islamic Republic for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. The Islamic Republic reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the United States; and
>
> (*e*) any other remedy the Court may deem appropriate."

By an Order of 4 December 1992 (*I.C.J. Reports 1992*, p. 763), the President of the Court, taking into account an agreement of the Parties, fixed 31 May 1993 as the time-limit for the filing of the Memorial of Iran and 30 November 1993 for the filing of the Counter-Memorial of the United States.

By an Order of 3 June 1993 (*I.C.J. Reports 1993*, p. 35), the President of the Court, upon the request of Iran and after the United States had indicated that it had no objection, extended those time-limits to 8 June and 16 December 1993, respectively. The Memorial was filed within the prescribed time-limit.

The Islamic Republic of Iran chose Mr. François Rigaux to sit as judge *ad hoc*.

On 16 December 1993, within the extended time-limit for filing the Counter-Memorial, the United States of America filed a preliminary objection to the Court's jurisdiction. In accordance with the terms of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended; by an Order of 18 January 1994 (*I.C.J. Reports 1994*, p. 3), the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

Public sittings to hear the oral arguments of the Parties on the preliminary objection filed by the United States of America were held between 16 and 24 September 1996.

At a public sitting held on 12 December 1996, the Court delivered its Judgment on the preliminary objection raised by the United States (*I.C.J. Reports 1996*, p. 803), rejecting that objection and finding that it had jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by Iran under Article X, paragraph 1, of that Treaty.

Judges Shahabuddeen, Ranjeva, Higgins and Parra-Aranguren and Judge *ad hoc* Rigaux appended separate opinions to the Judgment of the Court; Vice-President Schwebel and Judge Oda appended dissenting opinions.

By an Order of 16 December 1996 (*I.C.J. Reports 1996*, p. 902), the President of the Court, taking into account agreement of the Parties, fixed 23 June 1997 as the time-limit for the filing of the Counter-Memorial of the United States of America. Within the time-limit thus fixed the United States filed the Counter-Memorial and a Counter-Claim, requesting the Court to adjudge and declare:

> "1. That in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-1988 that were dangerous and detrimental to maritime commerce, the Islamic Republic of Iran breached its obligations to the United States under Article X of the 1955 Treaty, and
>
> 2. That the Islamic Republic of Iran is accordingly under an obligation to make full reparation to the United States for violating the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings."

By a letter of 2 October 1997 Iran informed the Court that it had "serious objections to the admissibility of the United States counter-claim", taking the position that the counter-claim as formulated by the United States did not meet the requirements of Article 80, paragraph 1, of the Rules of Court.

At a meeting which the Vice-President of the Court, Acting President, held on 17 October 1997 with the Agents of the Parties it was agreed that their respective Governments would submit written observations on the question of the admissibility of the United States counter-claim.

After Iran and the United States, in communications dated 18 November and 18 December 1997 respectively, had submitted these written observations the Court, by an Order of 10 March 1998 (*I.C.J. Reports 1998*, p. 190), found that the counter-claim presented by the United States in its Counter-Memorial was admissible as such and formed part of the proceedings. It further directed Iran to submit a Reply and the United States to submit a Rejoinder, fixing the time-limits for those pleadings at 10 September 1998 and 23 November 1999 respectively. The Court considered moreover that it was necessary, in order to secure strict equality between the Parties, to reserve the right of Iran to present its views in writing a second time on the

United States counter-claim, in an additional pleading, the filing of which might be the subject of a subsequent order.

Judges Oda and Higgins appended separate opinions to the Order. Judge *ad hoc* Rigaux appended a dissenting opinion.

By an Order of 26 May 1998 (*I.C.J. Reports 1998*, p. 269), the Vice-President of the Court, Acting President, extended, at the request of Iran and taking into account the views expressed by the United States, the time-limits for Iran's Reply and the United States Rejoinder to 10 December 1998 and 23 May 2000 respectively. By an Order of 8 December 1998 (*I.C.J. Reports 1998*, p. 740) the Court further extended those time-limits to 10 March 1999 for Iran's Reply and 23 November 2000 for the United States Rejoinder. Iran's Reply was filed within the time-limit thus extended. By an Order of 4 September 2000 (*I.C.J. Reports 2000*, p. 137), the President of the Court extended, at the request of the United States and taking into account the agreement between the parties, the time-limit for the filing of the United States' Rejoinder from 23 November 2000 to 23 March 2001. The Rejoinder was filed within the time-limit thus extended.

By an Order of 28 August 2001 (*I.C.J. Reports 2001*, p. 568), the Vice-President of the Court, taking account of the agreement of the Parties, authorized the submission by Iran of an additional pleading relating solely to the counter-claim submitted by the United States and fixed 24 September 2001 as the time-limit for the filing of that pleading. The additional pleading was filed by Iran within the prescribed time-limit.

4. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*

On 20 March 1993, the Republic of Bosnia and Herzegovina filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Yugoslavia "for violating the Genocide Convention".

The Application referred to several provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, as well as of the Charter of the United Nations, which Bosnia and Herzegovina alleged were violated by Yugoslavia. It also referred in this respect to the four Geneva Conventions of 1949 and their Additional Protocol I of 1977, to the Hague Regulations on Land Warfare of 1907, and to the Universal Declaration of Human Rights.

The Application referred to Article IX of the Genocide Convention as the basis for the jurisdiction of the Court.

In the Application, Bosnia and Herzegovina requested the Court to adjudge and declare:

"*(a)* that Yugoslavia (Serbia and Montenegro) has breached, and is continuing to breach, its legal obligations toward the People and State of Bosnia and Herzegovina under Articles I, II *(a)*, II *(b)*, II *(c)*, II *(d)*, III *(a)*, III *(b)*, III *(c)*, III *(d)*, III *(e)*, IV and V of the Genocide Convention;

(b) that Yugoslavia (Serbia and Montenegro) has violated and is continuing to violate its legal obligations toward the People and State of Bosnia and Herzegovina under the four Geneva Conventions of 1949, their Additional Protocol I of 1977, the customary international laws of war including the Hague Regulations on Land Warfare of 1907, and other fundamental principles of international humanitarian law;

(c) that Yugoslavia (Serbia and Montenegro) has violated and continues to violate Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 28 of the Universal Declaration of Human Rights with respect to the citizens of Bosnia and Herzegovina;

(d) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina, and is continuing to do so;

(e) that in its treatment of the citizens of Bosnia and Herzegovina, Yugoslavia (Serbia and Montenegro) has violated, and is continuing to violate, its solemn obligations under Articles 1 (3), 55 and 56 of the United Nations Charter;

(f) that Yugoslavia (Serbia and Montenegro) has used and is continuing to use force and the threat of force against Bosnia and Herzegovina in violation of Articles 2 (1), 2 (2), 2 (3), 2 (4), and 33 (1), of the United Nations Charter;

(g) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has used and is using force and the threat of force against Bosnia and Herzegovina;

(h) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has violated and is violating the sovereignty of Bosnia and Herzegovina by:

- armed attacks against Bosnia and Herzegovina by air and land;
- aerial trespass into Bosnian airspace;
- efforts by direct and indirect means to coerce and intimidate the Government of Bosnia and Herzegovina;

(i) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has intervened and is intervening in the internal affairs of Bosnia and Herzegovina;

(j) that Yugoslavia (Serbia and Montenegro), in recruiting, training, arming, equipping, financing, supplying and otherwise

encouraging, supporting, aiding, and directing military and paramilitary actions in and against Bosnia and Herzegovina by means of its agents and surrogates, has violated and is violating its express charter and treaty obligations to Bosnia and Herzegovina and, in particular, its charter and treaty obligations under Article 2 (4) of the United Nations Charter, as well as its obligations under general and customary international law;

(k) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right to defend Itself and its People under United Nations Charter Article 51 and customary international law, including by means of immediately obtaining military weapons, equipment, supplies and troops from other States;

(l) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right under United Nations Charter Article 51 and customary international law to request the immediate assistance of any State to come to its defence, including by military means (weapons, equipment, supplies, troops, etc.);

(m) that Security Council resolution 713 (1991), imposing a weapons embargo upon the former Yugoslavia, must be construed in a manner that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;

(n) that all subsequent Security Council resolutions that refer to or reaffirm resolution 713 (1991) must be construed in a manner that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;

(o) that Security Council resolution 713 (1991) and all subsequent Security Council resolutions referring thereto or reaffirming thereof must not be construed to impose an arms embargo upon Bosnia and Herzegovina, as required by Articles 24 (1) and 51 of the United Nations Charter and in accordance with the customary doctrine of *ultra vires*;

(p) that pursuant to the right of collective self-defence recognized by United Nations Charter Article 51, all other States parties to the Charter have the right to come to the immediate defence of Bosnia and Herzegovina — at its request — including by means of immediately providing It with weapons, military equipment and supplies, and armed forces (soldiers, sailors, air-people, etc.);

(q) that Yugoslavia (Serbia and Montenegro) and its agents and surrogates are under an obligation to cease and desist immediately from its breaches of the foregoing legal obliga-

tions, and is under a particular duty to cease and desist immediately:

- from its systematic practice of so-called 'ethnic cleansing' of the citizens and sovereign territory of Bosnia and Herzegovina;
- from the murder, summary execution, torture, rape, kidnapping, mayhem, wounding, physical and mental abuse, and detention of the citizens of Bosnia and Herzegovina;
- from the wanton devastation of villages, towns, districts, cities, and religious institutions in Bosnia and Herzegovina;
- from the bombardment of civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from continuing the siege of any civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from the starvation of the civilian population in Bosnia and Herzegovina;
- from the interruption of, interference with, or harassment of humanitarian relief supplies to the citizens of Bosnia and Herzegovina by the international community;
- from all use of force – whether direct or indirect, overt or covert – against Bosnia and Herzegovina, and from all threats of force against Bosnia and Herzegovina;
- from all violations of the sovereignty, territorial integrity or political independence of Bosnia and Herzegovina, including all intervention, direct or indirect, in the internal affairs of Bosnia and Herzegovina;
- from all support of any kind – including the provision of training, arms, ammunition, finances, supplies, assistance, direction or any other form of support – to any nation, group, organization, movement or individual engaged or planning to engage in military or paramilitary actions in or against Bosnia and Herzegovina;

(r) that Yugoslavia (Serbia and Montenegro) has an obligation to pay Bosnia and Herzegovina, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property as well as to the Bosnian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court. Bosnia and Herzegovina reserves the right to introduce to the Court a precise evaluation of the damages caused by Yugoslavia (Serbia and Montenegro)."

On the same day, the Government of Bosnia and Herzegovina, stating that:

> "The overriding objective of this Request is to prevent further loss of human life in Bosnia and Herzegovina".

and that:

> "The very lives, well-being, health, safety, physical, mental and bodily integrity, homes, property and personal possessions of hundreds of thousands of people in Bosnia and Herzegovina are right now at stake, hanging in the balance, awaiting the order of this Court",

filed a request for the indication of provisional measures under Article 41 of the Statute of the Court.

The provisional measures requested were as follows:

> "1. That Yugoslavia (Serbia and Montenegro), together with its agents and surrogates in Bosnia and elsewhere, must immediately cease and desist from all acts of genocide and genocidal acts against the People and State of Bosnia and Herzegovina, including but not limited to murder; summary executions; torture; rape; mayhem; so-called 'ethnic cleansing'; the wanton devastation of villages, towns, districts and cities; the siege of villages, towns, districts and cities; the starvation of the civilian population; the interruption of, interference with, or harassment of humanitarian relief supplies to the civilian population by the international community; the bombardment of civilian population centres; and the detention of civilians in concentration camps or otherwise.
>
> 2. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any nation, group, organization, movement, militia or individual engaged in or planning to engage in military or paramilitary activities in or against the People, State and Government of Bosnia and Herzegovina.
>
> 3. That Yugoslavia (Serbia and Montenegro) itself must immediately cease and desist from any and all types of military or paramilitary activities by its own officials, agents, surrogates, or forces in or against the People, State and Government of Bosnia and Herzegovina, and from any other use or threat of force in its relations with Bosnia and Herzegovina.
>
> 4. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to seek and receive support from other States in order to defend Itself and its People, including by means of immediately obtaining military weapons, equipment and supplies.
>
> 5. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to request the immediate assistance of any State to come to its defence, including by means of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, airpeople, etc.).

> 6. That under the current circumstances, any State has the right to come to the immediate defence of Bosnia and Herzegovina – at its request – including by means of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, and airpeople, etc.)."

Hearings on the request for the indication of provisional measures were held on 1 and 2 April 1993. At two public sittings the Court heard the oral observations of each of the Parties.

At a public sitting held on 8 April 1993, the President of the Court read out the Order on the request for provisional measures made by Bosnia and Herzegovina (*I.C.J. Reports 1993*, p. 3) by which the Court indicated, pending its final decision in the proceedings instituted on 20 March 1993 by the Republic of Bosnia and Herzegovina against the Federal Republic of Yugoslavia, the following provisional measures:

(*a*) The Government of the Federal Republic of Yugoslavia should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide; and the Government of the Federal Republic of Yugoslavia should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnical, racial or religious group.

(*b*) The Government of the Federal Republic of Yugoslavia and the Government of the Republic of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution.

Judge Tarassov appended a declaration to the Order.

By an Order of 16 April 1993 (*I.C.J. Reports 1993*, p. 29), the President of the Court, taking into account an agreement of the Parties, fixed 15 October 1993 as the time-limit for the filing of the Memorial of Bosnia and Herzegovina and 15 April 1994 for the filing of the Counter-Memorial of Yugoslavia.

Bosnia and Herzegovina chose Mr. Elihu Lauterpacht and Yugoslavia Mr. Milenko Kreća to sit as judges *ad hoc*.

On 27 July 1993 the Republic of Bosnia and Herzegovina filed a second request for the indication of provisional measures, stating that:

> "This extraordinary step is being taken because the respondent has violated each and every one of the three measures of protection on behalf of Bosnia and Herzegovina that were indicated by this

> Court on 8 April 1993, to the grave detriment of both the People and State of Bosnia and Herzegovina. In addition to continuing its campaign of genocide against the Bosnian People – whether Muslim, Christian, Jew, Croat or Serb – the Respondent is now planning, preparing, conspiring to, proposing, and negotiating the partition, dismemberment, annexation and incorporation of the sovereign State of Bosnia and Herzegovina – a Member of the United Nations Organization – by means of genocide."

The provisional measures then requested were as follows:

> "1. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any nation, group, organization, movement, military, militia or paramilitary force, irregular armed unit, or individual in Bosnia and Herzegovina for any reason or purpose whatsoever.
>
> 2. That Yugoslavia (Serbia and Montenegro) and all of its public officials – including and especially the President of Serbia, Mr. Slobodan Milosevic – must immediately cease and desist from any and all efforts, plans, plots, schemes, proposals or negotiations to partition, dismember, annex or incorporate the sovereign territory of Bosnia and Herzegovina.
>
> 3. That the annexation or incorporation of any sovereign territory of the Republic of Bosnia and Herzegovina by Yugoslavia (Serbia and Montenegro) by any means or for any reason shall be deemed illegal, null, and void *ab initio*.
>
> 4. That the Government of Bosnia and Herzegovina must have the means 'to prevent' the commission of acts of genocide against its own People as required by Article I of the Genocide Convention.
>
> 5. That all Contracting Parties to the Genocide Convention are obliged by Article I thereof 'to prevent' the commission of acts of genocide against the People and State of Bosnia and Herzegovina.
>
> 6. That the Government of Bosnia and Herzegovina must have the means to defend the People and State of Bosnia and Herzegovina from acts of genocide and partition and dismemberment by means of genocide.
>
> 7. That all Contracting Parties to the Genocide Convention have the obligation thereunder 'to prevent' acts of genocide, and partition and dismemberment by means of genocide, against the People and State of Bosnia and Herzegovina.
>
> 8. That in order to fulfil its obligations under the Genocide Convention under the current circumstance, the Government of Bosnia and Herzegovina must have the ability to obtain military weapons, equipment, and supplies from other Contracting Parties.
>
> 9. That in order to fulfil their obligations under the Genocide

Convention under the current circumstances, all Contracting Parties thereto must have the ability to provide military weapons, equipment, supplies and armed forces (soldiers, sailors, airpeople) to the Government of Bosnia and Herzegovina at its request.

10. That United Nations Peacekeeping Forces in Bosnia and Herzegovina (i.e., UNPROFOR) must do all in their power to ensure the flow of humanitarian relief supplies to the Bosnian People through the Bosnian city of Tuzla."

On 5 August 1993 the President of the Court addressed a message to both Parties, referring to Article 74, paragraph 4, of the Rules of Court, which enables him, pending the meeting of the Court,

> "to call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects",

and stating:

> "I do now call upon the Parties so to act, and I stress that the provisional measures already indicated in the Order which the Court made after hearing the Parties, on 8 April 1993, still apply.
>
> Accordingly I call upon the Parties to take renewed note of the Court's Order and to take all and any measures that may be within their power to prevent any commission, continuance, or encouragement of the heinous international crime of genocide."

On 10 August 1993 Yugoslavia filed a request, dated 9 August 1993, for the indication of provisional measures, whereby it requested the Court to indicate the following provisional measure:

> "The Government of the so-called Republic of Bosnia and Herzegovina should immediately, in pursuance of its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide against the Serb ethnic group."

The hearings concerning the further requests for the indication of provisional measures were held on 25 and 26 August 1993. In the course of two public sittings the Court heard statements from each of the Parties.

At a public sitting held on 13 September 1993, the President of the Court read out the Order concerning the further requests for the indication of provisional measures (*I.C.J. Reports 1993*, p. 325), by which the Court reaffirmed the provisional measures indicated in its Order of 8 April 1993, which measures, the Court stated, should be immediately and effectively implemented.

Judge Oda appended a declaration to the Order; Judges Shahabuddeen, Weeramantry and Ajibola and Judge *ad hoc* Lauterpacht appended separate opinions; and Judge Tarassov and Judge *ad hoc* Kreća appended dissenting opinions.

By an Order of 7 October 1993 (*I.C.J. Reports 1993*, p. 470), the Vice-President of the Court, at the request of Bosnia and Herzegovina and after Yugoslavia had expressed its opinion, extended to 15 April 1994 the time-limit for the filing of the Memorial of Bosnia and Herzegovina, and to 15 April 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia. The Memorial was filed within the prescribed time-limit.

By an Order of 21 March 1995 (*I.C.J. Reports 1995*, p. 80), the President of the Court, upon a request of the Agent of Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, extended to 30 June 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia.

On 26 June 1995, within the extended time-limit for the filing of its Counter-Memorial, Yugoslavia filed certain preliminary objections. The objections related, firstly, to the admissibility of the Application and, secondly, to the jurisdiction of the Court to deal with the case.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provision of that Article.

By an Order of 14 July 1995 (*I.C.J. Reports 1995*, p. 279), the President of the Court, taking into account the views expressed by the Parties, fixed 14 November 1995 as the time-limit within which the Republic of Bosnia and Herzegovina might present a written statement of its observations and submissions on the preliminary objections raised by the Federal Republic of Yugoslavia. Bosnia and Herzegovina filed such a statement within the prescribed time-limit.

Public sittings to hear the oral arguments of the Parties on the preliminary objections raised by Yugoslavia were held between 29 April and 3 May 1996.

At a public sitting held on 11 July 1996, the Court delivered its Judgment on the preliminary objections (*I.C.J. Reports 1996*, p. 595), by which it rejected the objections raised by Yugoslavia, finding that, on the basis of Article XI of the Convention on the Prevention and Punishment of the Crime of Genocide, it had jurisdiction; dismissed the additional basis of jurisdiction invoked by Bosnia and Herzegovina and found that the Application was admissible.

Judge Oda appended a declaration to the Judgment of the Court; Judges Shi and Vereshchetin appended a joint declaration; Judge *ad hoc* Lauterpacht also appended a declaration; Judges Shahabuddeen, Weeramantry and Parra-Aranguren appended separate opinions to the Judgment; Judge *ad hoc* Kreća appended a dissenting opinion.

By an Order of 23 July 1996 (*I.C.J. Reports 1996*, p. 797), the President of the Court, taking into account the views expressed by the Parties, fixed 23 July 1997 as the time-limit for the filing of the Counter-Memorial of Yugoslavia. The Counter-Memorial was filed within the prescribed time-limit. It included counter-claims, by which Yugoslavia requested the Court to adjudge and declare:

> "3. Bosnia and Herzegovina is responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina and for other violations of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide:
>
> - because it has incited acts of genocide by the 'Islamic Declaration', and in particular by the position contained in it that 'there can be no peace or coexistence between "Islamic faith" and "non-Islamic" social and political institutions';
> - because it has incited acts of genocide by the *Novi Vox*, paper of the Muslim youth, and in particular by the verses of a 'Patriotic Song' which reads as follows:
>
>   'Dear mother, I'm going to plant willows,
>   We'll hang Serbs from them.
>   Dear mother, I'm going to sharpen knives,
>   We'll soon fill pits again';
>
> - because it has incited acts of genocide by the paper *Zmaj od Bosne*, and in particular by the sentence in an article published in it that 'Each Muslim must name a Serb and take oath to kill him';
> - because public calls for the execution of Serbs were broadcast on radio 'Hajat' and thereby acts of genocide were incited;
> - because the armed forces of Bosnia and Herzegovina, as well as other organs of Bosnia and Herzegovina have committed acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs in Bosnia and Herzegovina, which have been stated in Chapter Seven of the Counter-Memorial;
> - because Bosnia and Herzegovina has not prevented the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs on its territory, which have been stated in Chapter Seven of the Counter-Memorial.
>
> 4. Bosnia and Herzegovina has the obligation to punish the persons held responsible for the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
>
> 5. Bosnia and Herzegovina is bound to take necessary measures so that the said acts would not be repeated in the future.
>
> 6. Bosnia and Herzegovina is bound to eliminate all consequences of the violation of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and provide adequate compensation."

By a letter of 28 July 1997 Bosnia and Herzegovina informed the Court that "the Applicant [was] of the opinion that the Counter-Claim submitted by the Respondent . . . [did] not meet the criterion of Article 80, paragraph 1, of the Rules of Court and should therefore not be joined to the original proceedings".

At a meeting which the President of the Court held on 22 September 1997 with the Agents of the Parties both Parties accepted that their respective Governments would submit written observations on the question of the admissibility of the Yugoslav counter-claims.

After Bosnia and Herzegovina and Yugoslavia, in communications dated 9 October and 23 October 1997 respectively, had submitted written observations the Court, by an Order of 17 December 1997 (*I.C.J. Reports 1997*, p. 243), found that the counter-claims submitted by Yugoslavia in its Counter-Memorial were admissible as such and formed part of the proceedings. It further directed Bosnia and Herzegovina to submit a Reply and Yugoslavia to submit a Rejoinder relating to the claims of both Parties, and fixed the time-limits for those pleadings at 23 January and 23 July 1998 respectively. The Court considered moreover that it was necessary, in order to ensure strict equality between the Parties, to reserve the right of Bosnia and Herzegovina to present its views in writing a second time on the Yugoslav counter-claim, in an additional pleading which might be the subject of a subsequent Order.

Judge *ad hoc* Kreća appended a declaration to the Order; Judge Koroma and Judge *ad hoc* Lauterpacht appended separate opinions; and Vice-President Weeramantry appended a dissenting opinion.

By an Order of 22 January 1998 (*I.C.J. Reports 1998*, p. 3), the President of the Court, at the request of Bosnia and Herzegovina and taking into account the views expressed by Yugoslavia, extended the time-limits for the Reply of Bosnia and Herzegovina and the Rejoinder of Yugoslavia to 23 April 1998 and 22 January 1999 respectively. The Reply of Bosnia and Herzegovina was filed within the prescribed time-limit.

Following a request from Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, the Court, by an Order of 11 December 1998 (*I.C.J. Reports 1998*, p. 743), extended the time-limit for the filing of Yugoslavia's Rejoinder to 22 February 1999. That Rejoinder was filed within the time-limit thus extended.

Since then several exchanges of letters have taken place concerning new procedural difficulties in the case.

By an Order of 10 September 2001 (*I.C.J. Reports 2001*, p. 572), the President of the Court placed on record the withdrawal by Yugoslavia of the counter-claims submitted by that State in its Counter-Memorial. The Order was made after Yugoslavia had informed the Court that it intended to withdraw its counter-claims and Bosnia and Herzegovina had indicated to the latter that it had no objection to that withdrawal.

5. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

On 23 October 1992 the Ambassador of the Republic of Hungary to the Netherlands filed in the Registry of the Court an Application instituting proceedings against the Czech and Slovak Federal Republic in a dispute concerning the projected diversion of the Danube. In that document the Hungarian Government, before detailing its case, invited the Czech and Slovak Federal Republic to accept the jurisdiction of the Court.

A copy of the Application was transmitted to the Government of the Czech and Slovak Federal Republic in accordance with Article 38, paragraph 5, of the Rules of Court, which reads as follows:

> "When the Applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Following negotiations under the aegis of the European Communities between Hungary and the Czech and Slovak Federal Republic, which dissolved into two separate States on 1 January 1993, the Governments of the Republic of Hungary and of the Slovak Republic notified jointly, on 2 July 1993, to the Registrar of the Court a Special Agreement, signed at Brussels on 7 April 1993, for the submission to the Court of certain issues arising out of differences which had existed between the Republic of Hungary and the Czech and Slovak Federal Republic, regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System and on the construction and operation of the "provisional solution". The Special Agreement records that the Slovak Republic is in this respect the sole successor State of the Czech and Slovak Federal Republic.

In Article 2 of the Special Agreement:

> "(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,
>
> *(a)* whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary;
>
> *(b)* whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent

Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);

(c) what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.

(2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph 1 of this Article."

By an Order of 14 July 1993 (*I.C.J. Reports 1993*, p. 319) the Court decided that, as provided in Article 3, paragraph 2, of the Special Agreement and Article 46, paragraph 1, of the Rules of Court, each Party should file a Memorial and a Counter-Memorial, within the same time-limit, and fixed 2 May 1994 and 5 December 1994 as the time-limits for the filing of the Memorial and Counter-Memorial, respectively. The Memorials and Counter-Memorials were filed within the prescribed time-limits.

Slovakia chose Mr. Krzysztof J. Skubiszewski to sit as judge *ad hoc*.

By an Order of 20 December 1994 (*I.C.J. Reports 1994*, p. 151), the President of the Court, taking into account the views of the Parties, fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time-limit.

In June 1995 the Agent of Slovakia asked the Court, by letter, to visit the site of the Gabčikovo-Nagymaros hydroelectric dam project on the river Danube with regard to the obtaining of evidence in the above case. The Agent of Hungary thereupon informed the Court that his country would be pleased to co-operate in organizing such a visit.

In November 1995, in Budapest and New York, the two Parties then signed a "Protocol of Agreement" on the proposal of a visit by the Court, which, after dates had been fixed with the approval of the Court, was supplemented by Agreed Minutes on 3 February 1997.

By an Order of 5 February 1997 (*I.C.J. Reports 1997*, p. 3) the Court decided to "exercise its functions with regard to the obtaining of evidence by visiting a place or locality to which the case relates" (cf. Art. 66 of the Rules of Court) and to "adopt to that end the arrangements proposed by the Parties". The visit, which was the first in the Court's fifty-year history, took place from 1 to 4 April 1997, between the first and second rounds of oral hearings.

The first round of those hearings took place from 3 to 7 March and from 24 to 27 March 1997. The second round took place on 10 and 11 and on 14 and 15 April 1997.

At a public sitting held on 25 September 1997, the Court delivered its Judgment (*I.C.J. Reports 1997*, p. 7), by which,

(1) Having regard to Article 2, paragraph 1, of the Special Agreement it [found]:

A. that Hungary had not been entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty of 16 September 1977 and related instruments attributed responsibility to it;
B. that Czechoslovakia had been entitled to proceed, in November 1991, to the "provisional solution" as described in the terms of the Special Agreement;
C. that Czechoslovakia had not been entitled to put into operation, from October 1992, this "provisional solution";
D. that the notification, on 19 May 1992, of the termination of the Treaty of 16 September 1977 and related instruments by Hungary had not had the legal effect of terminating them; and,

(2) Having regard to Article 2, paragraph 2, and Article 5 of the Special Agreement, it found:

A. that Slovakia, as successor to Czechoslovakia, had become a party to the Treaty of 16 September 1977 as from 1 January 1993;
B. that Hungary and Slovakia should negotiate in good faith in the light of the prevailing situation, and should take all necessary measures to ensure the achievement of the objectives of the Treaty of 16 September 1977, in accordance with such modalities as they might agree upon;
C. that, unless the Parties otherwise agreed, a joint operational régime should be established in accordance with the Treaty of 16 September 1977;
D. that, unless the Parties otherwise agreed, Hungary should compensate Slovakia for the damage sustained by Czechoslovakia and by Slovakia on account of the suspension and abandonment by Hungary of works for which it was responsible; and Slovakia should compensate Hungary for the damage it has sustained on account of the putting into operation of the "provisional solution" by Czechoslovakia and its maintenance in service by Slovakia; and
E. that the settlement of accounts for the construction and operation of the works should be effected in accordance with the relevant provisions of the Treaty of 16 September 1977 and related instruments, taking due account of such measures as would have been taken by the Parties in application of points 2 B and C of the operative paragraph.

President Schwebel and Judge Rezek appended declarations to the Judgment; Vice-President Weeramantry, Judges Bedjaoui and Koroma appended separate opinions; Judges Oda, Ranjeva, Herczegh, Fleischhauer, Vereshchetin and Parra-Aranguren and Judge *ad hoc* Skubiszewski appended dissenting opinions.

On 3 September 1998 Slovakia filed in the Registry of the Court a request for an additional Judgment in the case. Such an additional

Judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the Judgment delivered by the Court in that case on 25 September 1997.

In its request, Slovakia stated that the Parties had conducted a series of negotiations on the modalities for executing the Court's Judgment and had initialled a draft Framework Agreement, which had been approved by the Government of Slovakia on 10 March 1998. Slovakia contended that on 5 March 1998, however, Hungary had postponed its approval and, upon the accession of its new Government following the May elections, it had proceeded to disavow the draft Framework Agreement and was further delaying the implementation of the Judgment. Slovakia maintained that it wanted the Court to determine the modalities for executing the Judgment.

As the basis for its request, Slovakia invoked Article 5 (3) of the Special Agreement signed at Brussels on 7 April 1993 by itself and Hungary with a view to the joint submission of their dispute to the Court.

The full text of Article 5 reads as follows:

> "(1) The Parties shall accept the Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
>
> (2) Immediately after the transmission of the Judgment the Parties shall enter into negotiations on the modalities for its execution.
>
> (3) If they are unable to reach agreement within six months, either Party may request the Court to render an additional Judgment to determine the modalities for executing its Judgment."

Slovakia asked the Court

> "to adjudge and declare:
>
> 1. that Hungary bears responsibility for the failure of the Parties so far to agree on the modalities for executing the Judgment of 25 September 1997;
> 2. that in accordance with the Court's Judgment of 25 September 1997, the obligation of the Parties to take all necessary measures to ensure that achievement of the objectives of the Treaty of 16 September 1977 (by which they agreed to build the Gabčíkovo-Nagymaros Project) applies to the whole geographical area and the whole range of relationships covered by that Treaty;
> 3. that, in order to ensure compliance with the Court's Judgment of 25 September 1997, and given that the 1977 Treaty remains in force and that the Parties must take all necessary measures to ensure the achievement of the objectives of that Treaty:
>
>   (*a*) with immediate effect, the two Parties shall resume their negotiations in good faith so as to expedite their agreement on the modalities for achieving the objectives of the Treaty of 16 September 1977;

(*b*) in particular, Hungary is bound to appoint forthwith its Plenipotentiary as required under Article 3 of the Treaty, and to utilize all mechanisms for joint studies and co-operation established by the Treaty, and generally to conduct its relations with Slovakia on the basis of the Treaty;

(*c*) the Parties shall proceed by way of a Framework Agreement leading to a Treaty providing for any necessary amendments to the 1977 Treaty;

(*d*) in order to achieve this result, the Parties shall conclude a binding Framework Agreement not later than 1 January 1999;

(*e*) the Parties shall reach a final agreement on the necessary measures to ensure the achievement of the objectives of the 1977 Treaty in a treaty to enter into force by 30 June 2000;

4. that, should the Parties fail to conclude a Framework Agreement or a final agreement by the dates specified at subparagraphs 3 (*d*) and (*e*) above:

(*a*) the 1977 Treaty must be complied with in accordance with its spirit and terms; and

(*b*) either party may request the Court to proceed with the allocation of responsibility for any breaches of the Treaty and reparation for such breaches."

At a meeting that the President of the Court held with the representatives of the Parties on 7 October 1998, it was decided that Hungary was to file by 7 December 1998 a written statement of its position on the request for an additional Judgment made by Slovakia. Hungary filed its written statement within the time-limit fixed. The Parties subsequently have resumed negotiations and have informed the Court on a regular basis of the progress in them.

6. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*

On 29 March 1994 the Republic of Cameroon filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

In the Application Cameroon refers to "an aggression by the Federal Republic of Nigeria, whose troops are occupying several Cameroonian localities on the Bakassi Peninsula", resulting "in great prejudice to the Republic of Cameroon", and requests the Court to adjudge and declare:

> "(*a*) that sovereignty over the Peninsula of Bakassi is Cameroonian, by virtue of international law, and that that Peninsula is an integral part of the territory of Cameroon;
>
> (*b*) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*);
>
> (*c*) that by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;
>
> (*d*) that the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;
>
> (*e*) that in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian territory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian Peninsula of Bakassi;
>
> (*e'*) that the internationally unlawful acts referred to under (*a*), (*b*), (*c*), (*d*), and (*e*) above involve the responsibility of the Federal Republic of Nigeria;
>
> (*e''*) that, consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;
>
> (*f*) in order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."

On 6 June 1994 Cameroon filed in the Registry of the Court an Additional Application "for the purpose of extending the subject of the dispute" to a further dispute described as relating essentially "to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad", while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon requested the Court to adjudge and declare:

"(*a*) that sovereignty over the disputed parcel in the area of Lake Chad is Cameroonian, by virtue of international law, and that that parcel is an integral part of the territory of Cameroon;

(*b*) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*), and its recent legal commitments concerning the demarcation of frontiers in Lake Chad;

(*c*) that the Federal Republic of Nigeria, by occupying, with the support of its security forces, parcels of Cameroonian territory in the area of Lake Chad, has violated and is violating its obligations under treaty law and customary law;

(*d*) that in view of these legal obligations, mentioned above, the Federal Republic of Nigeria has the express duty of effecting an immediate and unconditional withdrawal of its troops from Cameroonian territory in the area of Lake Chad;

(*e*) that the internationally unlawful acts referred to under (*a*), (*b*), (*c*) and (*d*) above involve the responsibility of the Federal Republic of Nigeria;

(*e'*) that consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;

(*f*) that in view of the repeated incursions of Nigerian groups and armed forces into Cameroonian territory, all along the frontier between the two countries, the consequent grave and repeated incidents, and the vacillating and contradictory attitude of the Federal Republic of Nigeria in regard to the legal instruments defining the frontier between the two countries and the exact course of that frontier, the Republic of Cameroon respectfully asks the Court to specify definitively the frontier between Cameroon and the Federal Republic of Nigeria from Lake Chad to the sea."

Cameroon further requested the Court to join the two Applications "and to examine the whole in a single case".

At a meeting between the President of the Court and the representatives of the Parties held on 14 June 1994, the Agent of Nigeria indicated that his Government had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole as one case.

Cameroon chose Mr. Kéba Mbaye and Nigeria Prince Bola A. Ajibola to sit as judges *ad hoc*.

By an Order of 16 June 1994 (*I.C.J. Reports 1994*, p. 105), the Court, seeing no objection to the suggested procedure, fixed 16 March 1995 as the time-limit for filing the Memorial of Cameroon, and 18 December 1995 as the time-limit for filing the Counter-Memorial of Nigeria. The Memorial was filed within the prescribed time-limit.

On 13 December 1995, within the time-limit for the filing of its Counter-Memorial, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of the claims of Cameroon.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

By an Order of 10 January 1996 (*I.C.J. Reports 1996*, p. 3), the President of the Court, taking into account the views expressed by the Parties at a meeting between the President and the Agents of the Parties held on 10 January 1996, fixed 15 May 1996 as the time-limit within which Cameroon might present a written statement of its observations and submissions on the preliminary objections raised by Nigeria. Cameroon filed such a statement within the prescribed time-limit.

On 12 February 1996, the Registry of the International Court of Justice received from Cameroon a request for the indication of provisional measures, with reference to "serious armed incidents" which had taken place between Cameroonian and Nigerian forces in the Bakassi Peninsula beginning on 3 February 1996.

In its request Cameroon referred to the submissions made in its Application of 29 May 1994, supplemented by an Additional Application of 6 June of that year, as also summed up in its Memorial of 16 March 1995, and requested the Court to indicate the following provisional measures:

> "(1) the armed forces of the Parties shall withdraw to the position they were occupying before the Nigerian armed attack of 3 February 1996;
> (2) the Parties shall abstain from all military activity along the entire boundary until the judgment of the Court takes place;
> (3) the Parties shall abstain from any act or action which might hamper the gathering of evidence in the present case".

Public sittings to hear the oral observations of the Parties on the request for the indication of provisional measures were held between 5 and 8 March 1996.

At a public sitting, held on 15 March 1996, the President of the Court read the Order on the request for provisional measures made by Cameroon (*I.C.J. Reports 1996*, p. 13), by which the Court indicated that "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it"; that they "should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula"; that they "should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996"; that they "should take all necessary steps to conserve evidence relevant to the present case within the disputed area"; and that they "should lend every assistance to the fact-finding mission which the Secretary-General of the United Nations has proposed to send to the Bakassi Peninsula".

Judges Oda, Shahabuddeen, Ranjeva and Koroma appended declarations to the Order of the Court; Judges Weeramantry, Shi and Vereshchetin appended a joint declaration; Judge *ad hoc* Mbaye also appended a declaration. Judge *ad hoc* Ajibola appended a separate opinion to the Order.

Public sittings to hear the oral arguments of the Parties on the preliminary objections raised by Nigeria were held from 2 to 11 March 1998.

At a public sitting held on 11 June 1998, the Court delivered its Judgment on the preliminary objections (*I.C.J. Reports 1998*, p. 275), by which it rejected seven of Nigeria's eight preliminary objections; declared that the eighth preliminary objection did not have, in the circumstances of the case, an exclusively preliminary character; and found that, on the basis of Article 36, paragraph 2, of the Statute, it had jurisdiction to adjudicate upon the dispute and that the Application filed by Cameroon on 29 March 1994, as amended by the Additional Application of 6 June 1994, was admissible.

Judges Oda, Vereshchetin, Higgins, Parra-Aranguren and Kooijmans appended separate opinions to the Judgment of the Court; Vice-President Weeramantry, Judge Koroma and Judge *ad hoc* Ajibola appended dissenting opinions.

By an Order of 30 June 1998 (*I.C.J. Reports 1998*, p. 420), the Court, having been informed of the views of the Parties, fixed 31 March 1999 as the time-limit for the filing of the Counter-Memorial of Nigeria.

On 28 October Nigeria filed a request for an interpretation of the Court's Judgment on preliminary objections of 11 June 1998. This request for interpretation formed a separate case, in which the Court delivered its Judgment on 25 March 1999 (cf. *I.C.J. Yearbook 1998-1999*, pp. 225-230).

On 23 February 1999 Nigeria made a request for extension of the time-limit for the deposit of its Counter-Memorial, because it would "not be in a position to complete its Counter-Memorial until it [knew] the outcome of its request for interpretation as it [did] not at present know the scope of the case it [had] to answer on State responsibility". By a letter of 27 February 1999 the Agent of Cameroon informed the Court that his Government "[was] resolutely opposed to the granting of Nigeria's request", as its dispute with Nigeria "call[ed] for a rapid decision".

By an Order of 3 March 1999 (*I.C.J. Reports 1999*, p. 24), the Court — considering that although a request for interpretation "cannot in itself suffice to justify the extension of a time-limit, it should nevertheless, given the circumstances of the case, grant Nigeria's request" — extended to 31 May 1999 the time-limit for the filing of Nigeria's Counter-Memorial. The Counter-Memorial was filed within the time-limit thus extended.

The Counter-Memorial included counter-claims, specified in Part VI. At the end of each section dealing with a particular sector of the frontier, the Nigerian Government asked the Court to declare that the incidents referred to

> "engage the international responsibility of Cameroon, with compensation in the form of damages, if not agreed between the parties, then to be awarded by the Court in a subsequent phase of the case".

The seventh and final submission set out by the Nigerian Government in its Counter-Memorial reads as follows:

> "*as to Nigeria's counter-claims as specified in Part VI of this Counter-Memorial*, [the Court is asked to] adjudge and declare that Cameroon bears responsibility to Nigeria in respect of those claims, the amount of reparation due therefor, if not agreed between the parties within six months of the date of judgment, to be determined by the Court in a further judgment".

In an Order of 30 June 1999 (*I.C.J. Reports 1999*, p. 983) the Court found that Nigeria's counter-claims were admissible as such and formed part of the proceedings; it further decided that Cameroon should submit a Reply and Nigeria a Rejoinder, relating to the claims of both Parties, and fixed the time-limits for those pleadings at 4 April 2000 and 4 January 2001 respectively. Cameroon's Reply and Nigeria's Rejoinder were filed within the prescribed time-limits.

On 30 June 1999 the Republic of Equatorial Guinea filed an Application for permission to intervene in the case.

In its Application, Equatorial Guinea stated that the purpose of its intervention would be "to protect [its] legal rights in the Gulf of Guinea by all legal means" and "to inform the Court of Equatorial Guinea's legal rights and interests so that these may remain unaffected as the Court proceeds to address the question of the maritime boundary between Cameroon and Nigeria". Equatorial Guinea made it clear that it did not seek to intervene in those aspects of the proceedings that relate to the land boundary between Cameroon and Nigeria, nor to become a party to the case. It further stated that, although it would be open to the three countries to request the Court not only to determine the Cameroon-Nigeria maritime boundary but also to determine Equatorial Guinea's maritime boundary with these two States, Equatorial Guinea had made no such request and wished to continue to seek to determine its maritime boundary with its neighbours by negotiation.

The Court fixed 16 August 1999 as the time-limit for the filing of written observations on Equatorial Guinea's Application by Cameroon and Nigeria. Those written observations were filed within the prescribed time-limits.

By an Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1029) the Court permitted Equatorial Guinea to intervene in the case, pursuant to Article 62 of the Statute, to the extent, in the manner and for the purposes set out in its Application for permission to intervene, and fixed 4 April 2001 as the time-limit for the filing of the written statement of the Republic of Equatorial Guinea and 4 July 2001 for the written observations of the Republic of Cameroon and of the Federal Republic of Nigeria. Equatorial Guinea's written statement was filed within the prescribed time-limit.

By an Order of 20 February 2001 (*I.C.J. Reports 2001*, p. 9) the Court, at the request of Cameroon and taking into account the agreement of the Parties, authorized the submission by Cameroon of an additional pleading, relating solely to the counter-claims submitted by Nigeria and fixed 4 July 2001 as the time-limit for the filing of that pleading.

Following the filing of the various pleadings which were due to be lodged on 4 July 2001, public sittings to hear the oral arguments of the Parties were held from 18 February to 21 March 2002.

At the conclusion of those hearings Cameroon requested the Court, to adjudge and declare:

"(*a*) That the land boundary between Cameroon and Nigeria takes the following course:

- from the point designated by the co-ordinates 13° 05′ N and 14° 05′ E, the boundary follows a straight line as far as the mouth of the Ebeji, situated at the point located at the co-ordinates 12° 13′ 17″ N and 14° 12′ 12″ E, as defined within the framework of the LCBC and constituting an authoritative interpretation of the Milner-Simon Declaration of 10 July 1919 and the Thomson-Marchand Declarations of 29 December 1929 and 31 January 1930, as confirmed by the Exchange of Letters of 9 January 1931; in the alternative, the mouth of the Ebeji is situated at the point located at the co-ordinates 12° 31′ 12″ N and 14° 11′ 48″ E;
- from that point it follows the course fixed by those instruments as far as the 'very prominent peak' described in paragraph 60 of the Thomson-Marchand Declaration and called by the usual name of 'Mount Kombon';
- from 'Mount Kombon' the boundary then runs to 'Pillar 64' mentioned in paragraph 12 of the Anglo-German Agreement of Obokum of 12 April 1913 and follows, in that sector, the course described in Section 6 (1) of the British Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946;

- from Pillar 64 it follows the course described in paragraphs 13 to 21 of the Obokum Agreement of 12 April 1913 as far as Pillar 114 on the Cross River;
- thence, as far as the intersection of the straight line from Bakassi Point to King Point with the centre of the navigable channel of the Akwayafe, the boundary is determined by paragraphs XVI to XXI of the Anglo-German Agreement of 11 March 1913.

(*b*) That, in consequence, *inter alia*, sovereignty over the peninsula of Bakassi and over the disputed parcel occupied by Nigeria in the area of Lake Chad, in particular over Darak and its region, is Cameroonian.

(*c*) That the boundary of the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria takes the following course:

- from the intersection of the straight line from Bakassi Point to King Point with the centre of the navigable channel of the Akwayafe to point '12', that boundary is confirmed by the 'compromise line' entered on British Admiralty Chart No. 3433 by the Heads of State of the two countries on 4 April 1971 (Yaoundé II Declaration) and, from that point 12 to point 'G', by the Declaration signed at Maroua on 1 June 1975;
- from point G the equitable line follows the direction indicated by points G, H (co-ordinates 8°21'16" E and 4°17' N), I (7°55'40" E and 3°46' N), J (7°12'08" E and 3°12'35" N), K (6°45'22" E and 3°01'05" N), and continues from K up to the outer limit of the maritime zones which international law places under the respective jurisdiction of the two Parties.

(*d*) That in attempting to modify unilaterally and by force the courses of the boundary defined above under (*a*) and (*c*), the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*), as well as its legal obligations concerning the land and maritime delimitation.

(*e*) That by using force against the Republic of Cameroon and, in particular, by militarily occupying parcels of Cameroonian territory in the area of Lake Chad and the Cameroonian peninsula of Bakassi, and by making repeated incursions throughout the length of the boundary between the two countries, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law.

(*f*) That the Federal Republic of Nigeria has the express duty of putting an end to its administrative and military presence in

Cameroonian territory and, in particular, of effecting an immediate and unconditional evacuation of its troops from the occupied area of Lake Chad and from the Cameroonian peninsula of Bakassi and of refraining from such acts in the future.

(*g*) That in failing to comply with the Order for the indication of provisional measures rendered by the Court on 15 March 1996 the Federal Republic of Nigeria has been in breach of its international obligations.

(*h*) That the internationally wrongful acts referred to above and described in detail in the written pleadings and oral argument of the Republic of Cameroon engage the responsibility of the Federal Republic of Nigeria.

(*i*) That, consequently, on account of the material and moral injury suffered by the Republic of Cameroon reparation in a form to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon."

Cameroon further requested that the Court permit it, at a subsequent stage of the proceedings, to present an assessment of the amount of compensation due to it as reparation for the injury suffered by it as a result of the internationally wrongful acts attributable to the Federal Republic of Nigeria. The Republic of Cameroon also asked the Court to declare that the counter-claims of the Federal Republic of Nigeria are "unfounded both in fact and in law, and to reject them".

The final submissions of Nigeria read as follows:

"The Federal Republic of Nigeria respectfully requests that the Court should

1. as to the Bakassi Peninsula, *adjudge and declare*:

(*a*) that sovereignty over the Peninsula is vested in the Federal Republic of Nigeria;

(*b*) that Nigeria's sovereignty over Bakassi extends up to the boundary with Cameroon described in Chapter 11 of Nigeria's Counter-Memorial;

2. as to Lake Chad, *adjudge and declare*:

(*a*) that the proposed delimitation and demarcation under the auspices of the Lake Chad Basin Commission, not having been accepted by Nigeria, is not binding upon it;

(*b*) that sovereignty over the areas in Lake Chad defined in paragraph 5.9 of Nigeria's Rejoinder and depicted in Figs. 5.2 and 5.3 facing page 242 (and including the Nigerian settlements identified in paragraph 4.1 of Nigeria's Rejoinder) is vested in the Federal Republic of Nigeria;

(*c*) that in any event the process which has taken place within the framework of the Lake Chad Basin Commission, and which was intended to lead to an overall delimitation and demarcation of boundaries on Lake Chad, is legally without prejudice to the title to particular areas of the Lake Chad region inhering in Nigeria as a consequence of the historical consolidation of title and the acquiescence of Cameroon.

3. as to the central sectors of the land boundary, *adjudge and declare*:

(*a*) that the Court's jurisdiction extends to the definitive specification of the land boundary between Lake Chad and the sea;

(*b*) that the mouth of the Ebeji, marking the beginning of the land boundary, is located at the point where the north-east channel of the Ebeji flows into the feature marked 'Pond' on the Map shown as Figure 7.1 of Nigeria's Rejoinder, which location is at latitude 12° 31′45″ N, longitude 14° 13′00″ E (Adindan Datum);

(*c*) that subject to the interpretations proposed in Chapter 7 of Nigeria's Rejoinder, the land boundary between the mouth of the Ebeji and the point on the thalweg of the Akpa Yafe which is opposite the mid-point of the mouth of Archibong Creek is delimited by the terms of the relevant boundary instruments, namely:

(i) paragraphs 2-61 of the Thomson-Marchand Declaration, confirmed by the Exchange of Letters of 9 January 1931;

(ii) the Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946, (section 6 (1) and the Second Schedule thereto);

(iii) paragraphs 13-21 of the Anglo-German Demarcation Agreement of 12 April 1913; and

(iv) Articles XV to XVII of the Anglo-German Treaty of 11 March 1913; and

(*d*) that the interpretations proposed in Chapter 7 of Nigeria's Rejoinder, and the associated action there identified in respect of each of the locations where the delimitation in the relevant boundary instruments is defective or uncertain, are confirmed.

4. as to the maritime boundary, *adjudge and declare*:

(*a*) that the Court lacks jurisdiction over Cameroon's maritime claim from the point at which its claim line enters waters claimed against Cameroon by Equatorial Guinea, or alternatively that Cameroon's claim is inadmissible to that extent;

(*b*) that Cameroon's claim to a maritime boundary based on the global division of maritime zones in the Gulf of Guinea is inadmissible, and that the parties are under an obligation, pursuant to Articles 74 and 83 of the United Nations Law of the Sea Convention, to negotiate in good faith with a view to agreeing on an equitable delimitation of their respective maritime zones, such delimitation to take into account, in particular, the need to respect existing rights to explore and exploit the mineral resources of the continental shelf, granted by either party prior to 29 March 1994 without written protest from the other, and the need to respect the reasonable maritime claims of third states;

(*c*) in the alternative, that Cameroon's claim to a maritime boundary based on the global division of maritime zones in the Gulf of Guinea is unfounded in law and is rejected;

(*d*) that, to the extent that Cameroon's claim to a maritime boundary may be held admissible in the present proceedings, Cameroon's claim to a maritime boundary to the west and south of the area of overlapping licences, as shown in Figure 10.2 of Nigeria's Rejoinder, is rejected;

(*e*) that the respective territorial waters of the two States are divided by a median line boundary within the Rio del Rey;

(*f*) that, beyond the Rio del Rey, the respective maritime zones of the parties are to be delimited by a line drawn in accordance with the principle of equidistance, until the approximate point where that line meets the median line boundary with Equatorial Guinea, i.e., at approximately 4° 6' N, 8° 30' E.

5. as to Cameroon's claims of State responsibility, *adjudge and declare*:

   that, to the extent to which any such claims are still maintained by Cameroon, and are admissible, those claims are unfounded in fact and law; and

6. as to Nigeria's counter-claims as specified in Part VI of Nigeria's Counter-Memorial and in Chapter 18 of Nigeria's Rejoinder, adjudge and declare:

   that Cameroon bears responsibility to Nigeria in respect of each of those claims, the amount of reparation due therefore, if not agreed between the parties within six months of the date of judgment, to be determined by the Court in a further judgment."

Pursuant to the Court's Order of 12 October 1999, permitting Equatorial Guinea to intervene in the case, that State presented its observations to the Court during the course of the hearings.

At the time of the preparation of this *Yearbook*, the Court was deliberating its Judgment.

7. *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*

On 2 November 1998, the Republic of Indonesia, and Malaysia jointly notified to the Court a Special Agreement between the two States, signed at Kuala Lumpur on 31 May 1997 and having entered into force on 14 May 1998, in which they request the Court

> "to determine on the basis of the treaties, agreements and any other evidence furnished by the Parties, whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia";

By an order of 10 November 1998 (*I.C.J. Reports 1998*, p. 429), the Court, taking into account the provisions of the Special Agreement on the written pleadings, fixed 2 November 1999 and 2 March 2000 respectively as the time-limits for the filing by each of the Parties of a Memorial and a Counter-Memorial.

By an Order of 14 September 1999 (*I.C.J. Reports 1999*, p. 1012) the Court, at a request jointly made by the Parties, extended the time-limit for the filing of the Counter-Memorials to 2 July 2000.

Indonesia chose Mr. Mohamed Shahabuddeen and Malaysia chose Mr. Christopher G. Weeramantry to sit as judges *ad hoc*.

The Memorials were filed within the time-limit of 2 November 1999 as fixed by the Court's Order of 10 November 1998.

By an Order of 11 May 2000 (*I.C.J. Reports 2000*, p. 9) the President of the Court, again at a request jointly made by the Parties, extended the time-limit for the filing of the Counter-Memorials another time, to 2 August 2000. The Counter-Memorials were filed within the time-limit thus extended.

By an Order of 19 October 2000 (*I.C.J. Reports 2000*, p. 173) the President of the Court, having regard to the Special Agreement and taking account of the agreement between the Parties, fixed 2 March 2001 as the time-limit for the filing of a Reply by each of the Parties. Those Replies were duly filed within the prescribed time-limit.

On 13 March 2001 the Philippines filed an Application for permission to intervene in the case.

In its Application for permission to intervene, the Philippines stated that it wished to intervene in the proceedings in order "to preserve and safeguard [its Government's] historical and legal rights . . . arising from its claim to dominion and sovereignty over the territory of North Borneo, to the extent that these rights are affected, or may be affected, by a determination of the Court of the question of sovereignty over Pulau Ligitan and Pulau Sipadan"; "to inform the . . . Court of the nature and extent of [those] rights"; and "to appreciate more fully the indispensable role of the . . . Court in comprehensive conflict prevention". The Philippines made it clear that it did not seek to become a party to the case. The Philippines further maintained that "[its] Constitution . . . as well as its legislation, ha[d] laid claim to dominion and sovereignty over North Borneo". According to the Philippines,

> "[t]his . . . claim . . . ha[d] been the subject of diplomatic negotiations, official international correspondence, and peaceful discussions

> which ha[d] not been concluded. A decision by the Court, or that incidental part of a decision by the Court, which [would] lay down an appreciation of specific treaties, agreements and other evidence bearing on the legal status of North Borneo [would] inevitably and most assuredly affect the outstanding territorial claim of . . . the Philippines to North Borneo, as well as the direct legal right and interest of the Philippines to settle that claim by peaceful means."

The Court fixed 2 May 2001 as the time-limit for the filing of written observations on the Philippines' Application by Indonesia and Malaysia.

In their written observations, filed within the prescribed time-limit, Indonesia and Malaysia objected to the Application for permission to intervene by the Philippines. Indonesia *inter alia* stated that the Application should be rejected as untimely and that the Philippines had not demonstrated that it possessed an interest of a legal nature which might be affected by a decision of the Court in the case. Malaysia, for its part, stated that the Philippines had no interest of a legal nature in the dispute, that its request had no proper object and that the Court should in any event reject that request.

Accordingly, pursuant to Article 84, paragraph 2, of its Rules, the Court decided to hold sittings in order to hear the arguments of the Philippines, Indonesia and Malaysia before deciding whether the Application for permission to intervene should be granted. Those sittings were held on 25, 26, 28 and 29 June 2001. Meanwhile, Indonesia, after the resignation of Mr. Mohamed Shahabuddeen, had chosen Mr. Thomas Franck to sit as judge *ad hoc*.

At a public sitting held on 23 October 2001, the Court delivered its Judgment on the Application of the Philippines for permission to intervene, a summary of which is given below, followed by the text of the operative paragraph:

History of the proceedings (paras. 1-17)

The Court first recalls the history of the proceedings and the submissions of the Parties as set out hereabove.

Timeliness of the Application for permission to intervene (paras. 18-26)

The Court first addresses the argument of both Indonesia and Malaysia that the Philippine Application should not be granted because of its "untimely nature".

The Court refers to Article 81, paragraph 1, of the Rules of Court, which stipulates that:

> "[a]n application for permission to intervene under the terms of Article 62 of the Statute . . . shall be filed as soon as possible, and not later than the closure of the written proceedings. In exceptional circumstances, an application submitted at a later stage may however be admitted."

The Court indicates that the Philippines had been aware that the Court had been seised of the dispute between Indonesia and Malaysia for more than two years before it filed its Application to intervene in the proceedings under Article 62 of the Statute. By the time of the filing of the Application 13 March 2001, the Parties had already completed three rounds of written pleadings as provided for as mandatory in the Special Agreement — Memorials, Counter-Memorials and Replies —, their time-limits being a matter of public knowledge. Moreover, the Agent for the Philippines stated during the hearings that his Government "was conscious of the fact that *after* 2 March 2001, Indonesia and Malaysia might no longer consider the need to submit a final round of pleadings as contemplated in their Special Agreement". Given these circumstances, the time chosen for the filing of the Application by the Philippines can hardly be seen as meeting the requirement that it be filed "as soon as possible" as contemplated in Article 81, paragraph 1, of the Rules of Court.

The Court notes, however, that despite the filing of the Application at a late stage in the proceedings, which does not accord with the stipulation of a general character contained in Article 81, paragraph 1, of the Rules, the Philippines cannot be held to be in violation of the requirement of the same Article, which establishes a specific deadline for an application for permission to intervene, namely "not later than the closure of the written proceedings". The Court recalls that the Special Agreement provided for the possibility of one more round of written pleadings — the exchange of Rejoinders — "if the Parties so agree or if the Court decides so *ex officio* or at the request of one of the Parties". It was only on 28 March 2001 that the Parties notified the Court by joint letter "that [their] Governments . . . ha[d] agreed that it is not necessary to exchange Rejoinders". Thus, although the third round of written pleadings terminated on 2 March 2001, neither the Court nor third States could know on the date of the filing of the Philippine Application whether the written proceedings had indeed come to an end. In any case, the Court could not have "closed" them before it had been notified of the views of the Parties concerning a fourth round of pleadings, contemplated by Article 3, paragraph 2 (*d*), of the Special Agreement. Even after 28 March 2001, in conformity with the same provision of the Special Agreement, the Court itself could ex officio authorize or prescribe the presentation of a Rejoinder, which the Court did not do. The Court therefore concludes that it cannot uphold the objection raised by Indonesia and Malaysia based on the alleged untimely filing of the Philippine Application.

Failure to annex documentary or other evidence in support of the Application (paras. 27-30)

The Court notes further that Article 81, paragraph 3, of the Rules of Court provides that an application for permission to intervene "shall contain a list of documents in support, which documents shall be attached". After referring to the observations of Indonesia and the

Philippines on this point, the Court confines itself to observing that there is no requirement that the State seeking to intervene necessarily attach any documents to its application in support of its claims. It is only where such documents have in fact been attached to the said application that a list thereof must be included. It follows that the Philippine Application for permission to intervene cannot be rejected on the basis of Article 81, paragraph 3, of the Rules of Court.

The Court therefore concludes that the Philippine Application was not filed out of time and contains no formal defect which would prevent it from being granted.

Alleged absence of a jurisdictional link (paras. 31-36)

The Court recalls that, under the terms of Article 62 of the Statute:

> "1. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
>
> 2. It shall be for the Court to decide upon this request."

As a Chamber of the Court has already had occasion to observe:

> "Intervention under Article 62 of the Statute is for the purpose of protecting a State's 'interest of a legal nature' that might be affected by a decision in an existing case already established between other States, namely the parties to the case. It is not intended to enable a third State to tack on a new case . . . An incidental proceeding cannot be one which transforms [a] case into a different case with different parties." (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990*, pp. 133-134, paras. 97-98.)

Moreover, as that same Chamber pointed out, and as the Court itself has recalled:

> "It . . . follows . . . from the juridical nature and from the purposes of intervention that the existence of a valid link of jurisdiction between the would-be intervener and the parties is not a requirement for the success of the application. On the contrary, the procedure of intervention is to ensure that a State with possibly affected interests may be permitted to intervene even though there is no jurisdictional link and it therefore cannot become a party." (*Ibid.*, p. 135, para. 100; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Application to Intervene, Order of 21 October 1999, I.C.J. Reports 1999*, pp. 1034-1035, para. 15.)

Thus, such a jurisdictional link between the intervening State and the parties to the case is required only if the State seeking to intervene is desirous of "itself becoming a party to the case". The Court finds that that is not the situation here. The Philippines is seeking to intervene in the case as a non-party.

Existence of an "interest of a legal nature" (paras. 37-83)

In relation to the existence of an "interest of a legal nature" justifying the intervention, the Court refers to the Philippines contention that:

> "Under Article 2 of the Special Agreement between Indonesia and the Government of Malaysia, the Court has been requested to determine the issue of sovereignty over Pulau Ligitan and Pulau Sipadan 'on the basis of treaties, agreements and any other evidence' to be furnished by the Parties. The interest of the Republic of the Philippines is solely and exclusively addressed to the treaties, agreements and other evidence furnished by Parties and appreciated by the Court which have a direct or indirect bearing on the matter of the legal status of North Borneo. The legal status of North Borneo is a matter that the Government of the Republic of the Philippines considers as its legitimate concern."

The Court also recalls that the Philippines refers to the fact that access to the pleadings and to the annexed documents filed by the Parties was denied to it by the Court. It contends that it therefore could not "say with any certainty whether and which treaties, agreements and facts are in issue". The Philippines asserts that as long as it does not have access to the documents filed by the Parties and does not know their content, it will not be able to explain really what its interest is.

The Philippines emphasizes that "Article 62 does not say that the intervening State must have a 'legal interest' or 'lawful interest' or 'substantial interest'", and that the "threshold for the invocation of Article 62 is, as a result, a *subjective* standard: the State requesting permission to intervene must 'consider' that it has an interest". The Philippines asserts that "[t]he criteria are not to *prove* a legal or lawful interest, but to 'identify the interest of a legal nature' and 'to show in what way [it] may be affected'". The Philippines further indicates that the statements made by Indonesia and Malaysia during the public hearing "provide evidence that the Court will be presented with many of the treaties and agreements upon which the Philippines claim is based and will be pressed to adopt interpretations that will certainly affect the Philippine interest". It submits that, on the basis of that part of the record to which it has been allowed access, "the probability of consequences for the interests of the Philippines meets the 'may' requirements of Article 62 and justifies Philippine intervention".

The Philippines points out that it "has a direct legal interest in the interpretation of the 1930 United States-United Kingdom boundary, being the successor-in-interest of one party to that agreement, the United States", that "the 1930 Agreement cannot be construed in any way as an instrument of cession", and that "Britain could not have acquired sovereignty over Pulau Sipadan and Pulau Ligitan by virtue of the interpretation placed by Malaysia on the 1930 United States-United Kingdom Agreement"; it follows from this that "the two islands in question were acquired by the United Kingdom in 1930 for and on behalf of the Sultan of Sulu". The Philippines further states that "the territory ceded by the Sultan to the Philippines in 1962 covered only those territories which were included and described in the 1878 Sulu-Overbeck lease agreement", and that its "Application for permission to intervene is based solely on the rights of the Government of the Republic of the Philippines transferred by and acquired from the Sulu Sultanate".

The Philippines concludes that:

> "Any claim or title to territory in or islands near North Borneo that assumes or posits or purports to rest a critical link on the legitimate sovereign title of Great Britain from 1878 up to the present is unfounded. Similarly, the interpretation of any treaty, agreement or document concerning the legal status of North Borneo as well as islands off the coast of North Borneo which would presume or take for granted the existence of British sovereignty and dominion over these territories has no basis at all in history as well as in law and, if upheld by the Court, it would adversely affect an interest of a legal nature on the part of the Republic of the Philippines."

For its part, Indonesia denies that the Philippines has an "interest of a legal nature". It states that "the subject-matter of the dispute currently pending before the Court is limited to the question whether sovereignty over the islands of Ligitan and Sipadan belongs to Indonesia or Malaysia". It recalls that on 5 April 2001, the Philippines sent a diplomatic Note to Indonesia in which, referring to the ongoing case between Indonesia and Malaysia, it wished to reassure the Government of Indonesia that the Philippines does not have "any territorial interest on Sipadan and Ligitan islands". Indonesia contends that "It is evident from this [note] that the Philippines raises no claim with respect to Pulau Ligitan and Pulau Sipadan" and maintains that

> "The legal status of North Borneo is not a matter on which the Court has been asked to rule. Moreover, the desire of the Philippines to submit its view on various unspecified 'treaties, agreements and other evidence furnished by the Parties' is abstract and vague."

With reference to the question of the Philippine interest of a legal nature which may be affected by the decision in the case, Malaysia argues that

> "[t]hat legal interest must be precisely identified, then compared with the basis of [the Court's] jurisdiction as it appears from the document of seisin, in the present instance the Special Agreement"

and contends that:

> "the Philippines does not indicate how the *decision* . . . that the Court is asked to take on the issue of sovereignty over Ligitan and Sipadan might *affect* any specific legal interest. It is content to refer

> vaguely to the 'treaties, agreements and other evidence' on which the Court might 'lay down an appreciation'. But . . . the interest of a legal nature must, if affected, be so affected by the *decision* of the Court and not just by its *reasoning*. Such appreciation as the Court may be led to make of the effect of a particular legal instrument, or of the consequences of particular facts, as grounds for its decision cannot, in itself, serve to establish an interest of a legal nature in its decision in the case."

Malaysia further contends that "the issue of sovereignty over Ligitan and Sipadan is completely independent of that of the status of North Borneo", and that "[t]he territorial titles are different in the two cases".

The Court sets out by considering whether a third State may intervene under Article 62 of the Statute in a dispute brought to the Court under a special agreement, when the State seeking to intervene has no interest in the subject-matter of that dispute as such, but rather asserts an interest of a legal nature in such findings and reasonings that the Court might make on certain specific treaties that the State seeking to intervene claims to be in issue in a different dispute between itself and one of the two Parties to the pending case before the Court.

The Court first considers whether the terms of Article 62 preclude, in any event, an "interest of a legal nature" of the State seeking to intervene in anything other than the operative decision of the Court in the existing case in which the intervention is sought. From an examination of the English and French texts of that Article, the Court concludes that the interest of a legal nature to be shown by a State seeking to intervene is not limited to the *dispositif* alone of a judgment. It may also relate to the reasons which constitute the necessary steps to the *dispositif*.

Having reached this conclusion, the Court then considers the nature of the interest capable of justifying an intervention. In particular, it considers whether the interest of the State seeking to intervene must be in the subject-matter of the existing case itself, whether it may be different and, if so, within what limits.

The Court observes that the question of whether a stated interest in the reasoning of the Court and any interpretations it might give as an interest of a legal nature for purposes of Article 62 of the Statute, can only be examined by testing whether the legal claims which the State seeking to intervene has outlined might be affected. Whatever the nature of the claimed "interest of a legal nature" that a State seeking to intervene considers itself to have (and provided that it is not simply general in nature) the Court can only judge it "*in concreto* and in relation to all the circumstances of a particular case". Thus, the Court proceeds to examine whether the Philippine claim of sovereignty in North Borneo could or could not be affected by the Court's reasoning or interpretation of treaties in the case concerning Pulau Ligitan and Pulau Sipadan. The Court adds that a State which, as in this case, relies on an interest of a legal nature other than in the subject-matter of the case itself necessarily bears the burden of showing with a particular clarity the existence of the interest of a legal nature which it claims to have.

The Court recalls that the Philippines has strongly protested that it is severely and unfairly hampered in "identifying" and "showing" its legal interest in the absence of access to the documents in the case between Indonesia and Malaysia and that it was not until the oral phase of the present proceedings that the two Parties publicly stated which treaties they considered to be in issue in their respective claims to Pulau Ligitan and Pulau Sipadan. The Court observes, however, that the Philippines must have full knowledge of the documentary sources relevant to its claim of sovereignty in North Borneo. While the Court acknowledges that the Philippines did not have access to the detailed arguments of the Parties as contained in their written pleadings, this did not prevent the Philippines from explaining its own claim, and from explaining in what respect any interpretation of particular instruments might adversely affect that claim.

In outlining that claim the Philippines has emphasized the importance of the instrument entitled "Grant by Sultan of Sulu of territories and lands on the mainland of the island of Borneo" (hereinafter "the Sulu-Overbeck grant of 1878"). This instrument is said by the Philippines to be its "primal source" of title in North Borneo. The Philippines interprets the instrument as a lease and not as a cession of sovereign title. It also acknowledges that the territorial scope of the instrument described in its first paragraph ("together with all the islands which lie within nine miles from the coast") did not include Pulau Ligitan and Pulau Sipadan.

The Court observes, however, that the Philippine claims as shown on the British map submitted to the Court by the Philippines during the oral proceedings, do not coincide with the territorial limits of the grant by the Sultan of Sulu in 1878. Moreover, the grant of 1878 is not in issue as between Indonesia and Malaysia in the case, both agreeing that Pulau Ligitan and Pulau Sipadan were not included in its reach. Also, the question whether the 1878 grant is to be characterized as a lease or a cession does not form part of the claim to title of either Party to the islands in issue. Neither Indonesia nor Malaysia relies on the 1878 grant as a source of title, each basing its claimed title upon other instruments and events. The burden which the Philippines carries under Article 62, to show the Court that an interest of a legal nature may be affected by any interpretation it might give or reasoning it might adduce as to its "primal source" of title, is thus not discharged.

The Philippines supplements its contention that sovereignty of North Borneo was retained by the Sultanate of Sulu by means of cited extracts from British State papers of the late nineteenth century and the first part of the twentieth century. The Court observes however that neither of these agreements is regarded by the Parties to the main proceedings as founding title to Pulau Ligitan and Pulau Sipadan.

Certain other instruments to which the Court was referred by the Philippines do appear to have a certain relevance not only to the

Philippine claims of sovereignty in North Borneo, but also to the question of title to Pulau Ligitan and Pulau Sipadan. The Philippine interest in the 20 June 1891 Convention, concluded between Great Britain and the Netherlands for the purpose of defining boundaries in Borneo, lies in noting that while the Convention set boundaries defining "Netherlands possessions" and "British Protected States", the "State of North Borneo" was indeed one of the British Protected States. However, in resolving the interpretation of Article 4 of that Convention, the Court has no need to pronounce upon the precise nature of the British interests lying to the north of latitude 4° 10′, mentioned in this article. Notwithstanding that the 1891 Convention may be said to have a certain relevance for Indonesia, Malaysia and the Philippines, the Philippines has demonstrated no legal interest that could be affected by the outcome or reasoning in the case between Indonesia and Malaysia.

The precise status of the legal ties in 1907 as addressed in the Exchange of Notes on 3 July and 10 July 1907 between Great Britain and the United States, relating to the administration of certain islands on the east cost of Borneo by the BNBC, is not central to Malaysia's claims. Accordingly, no interest of a legal nature that requires an intervention under Article 62, to present their interpretation of the 1907 Exchange of Notes, has been shown by the Philippines.

The Court also notes that the 1930 Convention between Great Britain and the United States, regarding the boundary between the Philippine Archipelago and North Borneo, has as its particular object the determination of which of the islands in the region "belong" to the United States on the one hand and to the State of North Borneo on the other. This Convention does not appear to the Court at this stage of the proceedings to concern the legal status of the principal territory of North Borneo.

The Court further finds that any interest that the Philippines claims to have as to references that the Court might make in the case between Indonesia and Malaysia to the 1946 North Borneo Cession Order in Council is too remote for purposes of intervention under Article 62.

The Court considers that the Philippines needs to show to the Court not only "a certain interest in . . . legal considerations" (*Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984*, p. 19, para. 33) relevant to the dispute between Indonesia and Malaysia, but to specify an interest of a legal nature which may be affected by reasoning or interpretations of the Court. The Court has stated that a State seeking to intervene should be able to do this on the basis of its documentary evidence upon which it relies to explain its own claim.

Some of the instruments which the Philippines has invoked, and the submissions it has made as to them, may indeed have shown a certain interest in legal considerations before the Court in the dispute between Indonesia and Malaysia; but as regards none of them has the Philippines been able to discharge its burden of demonstrating that it has an interest of a legal nature that may be affected, within the sense of Article 62. The

Philippines has shown in these instruments no legal interest that might be affected by reasoning or interpretations of the Court in the main proceedings, either because they form no part of the arguments of Indonesia and Malaysia or because their respective reliance on them does not bear on the issue of retention of sovereignty by the Sultanate of Sulu as described by the Philippines in respect of its claim in North Borneo.

The precise object of the intervention (paras. 84-93)

In respect of the "the precise object of the intervention" which the Philippines states, the Court first quotes the three objects cited above (cf. p. 240).

As regards the first of the three objects stated in the Application of the Philippines, the Court notes that similar formulations have been employed in other applications for permission to intervene, and have not been found by the Court to present a legal obstacle to intervention.

So far as the second listed object of the Philippines is concerned, the Court, in its Order of 21 October 1999 in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Application to Intervene*, recently reaffirmed a statement of a Chamber that:

> "[s]o far as the object of [a State's] intervention is 'to inform the Court of the nature of the legal rights [of that State] which are in issue in the dispute', it cannot be said that this object is not a proper one: it seems indeed to accord with the function of intervention" (*I.C.J. Reports 1999*, p. 1034, para. 14).

As to the third object listed in its Application, the Court observes that very occasional mention was made of it during the oral pleadings. But the Philippines did not develop it nor did it contend that it could suffice alone as an "object" within the meaning of Article 81 of the Rules. The Court therefore rejects the relevance under the Statute and Rules of the third listed object.

The Court concludes that notwithstanding that the first two of the objects indicated by the Philippines for its intervention are appropriate, the Philippines has not discharged its obligation to convince the Court that specified legal interests may be affected in the particular circumstances of this case.

*

Operative paragraph (para. 95):

"For these reasons,

THE COURT,

By fourteen votes to one,

Finds that the Application of the Republic of the Philippines, filed in the Registry of the Court on 13 March 2001, for permission to

> intervene in the proceedings under Article 62 of the Statute of the Court, cannot be granted.
>
> IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judges* ad hoc Weeramantry, Franck;
>
> AGAINST: *Judge* Oda."

*

Judge Oda appended a dissenting opinion to the Judgment; Judge Koroma a separate opinion; Judges Parra-Aranguren and Kooijmans declarations; Judges *ad hoc* Weeramantry and Franck separate opinions.

*

Public sittings to hear the oral arguments of the Parties on the merits were held from 3 to 12 June 2002.

At the conclusion of those hearings Indonesia presented the following submission to the Court:

> "On the basis of the facts and legal considerations presented in Indonesia's written pleadings and in its oral presentation, the Government of the Republic of Indonesia respectfully requests the Court to adjudge and declare that:
>
> (i) sovereignty over Pulau Ligitan belongs to the Republic of Indonesia; and
>
> (ii) sovereignty over Pulau Sipadan belongs to the Republic of Indonesia."

The final submission of Malaysia read as follows:

> "The Government of Malaysia respectfully requests the Court to adjudge and declare that sovereignty over Pulau Ligitan and Pulau Sipadan belongs to Malaysia."

At the time of the preparation of this *Yearbook*, the Court was deliberating its Judgment.

8. Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)

On 28 December 1998 the Republic of Guinea instituted proceedings against the Democratic Republic of the Congo by an "Application with a view to diplomatic protection", in which it requested the Court to "condemn the Democratic Republic of the Congo for the grave breaches of international law perpetrated upon the person of a Guinean national", Mr. Ahmadou Sadio Diallo.

According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had been a resident of the Democratic Republic of the Congo for 32 years, was "unlawfully imprisoned by the authorities of that State" during two and a half months, "divested from his important investments, companies, bank accounts, movable and immovable properties, then expelled" on 2 February 1996 as a result of his attempts to recover sums owed to him by the Democratic Republic of the Congo (especially by Gecamines, a State enterprise with a monopoly with regard to mining) and by oil companies operating in that country (Zaire Shell, Zaire Mobil and Zaire Fina) by virtue of contracts concluded with businesses owned by him, Africom-Zaire and Africacontainers-Zaire.

As a basis of the Court's jurisdiction, Guinea invoked its own declaration of acceptance of the compulsory jurisdiction of the Court, of 11 November 1998, and the declaration of the Democratic Republic of the Congo of 8 February 1989.

By an Order of 25 November 1999 (*I.C.J. Reports 1999*, p. 1042) the Court, taking into account the agreement of the Parties, fixed 11 September 2000 as the time-limit for the filing of a Memorial by Guinea and 11 September 2001 for the filing of a Counter-Memorial by the Democratic Republic of the Congo.

By an Order of 8 September 2000 (*I.C.J. Reports 2000*, p. 146) the President of the Court, at the request of Guinea and after the views of the other Party had been ascertained, extended to 23 March 2001 and 4 October 2002 the respective time-limits for that Memorial and Counter-Memorial. The Memorial was filed within the time-limit thus extended.

9-16. *Legality of Use of Force (Yugoslavia v. Belgium) (Yugoslavia v. Canada) (Yugoslavia v. France) (Yugoslavia v. Germany) (Yugoslavia v. Italy) (Yugoslavia v. Netherlands) (Yugoslavia v. Portugal) (Yugoslavia v. United Kingdom)*

On 29 April 1999 the Federal Republic of Yugoslavia filed in the Registry of the Court Applications instituting proceedings against Belgium, Canada, France, Germany, Italy, the Netherlands, Portugal, Spain, the United Kingdom and the United States of America "for violation of the obligation not to use force".

In those Applications Yugoslavia defined the subject of the dispute as follows:

> "The subject-matter of the dispute are acts of the [respondent State concerned] by which it has violated its international obligation banning the use of force against another State, the obligation not to intervene in the internal affairs of another State, the obligation not to violate the sovereignty of another State, the obligation to protect the civilian population and civilian objects in wartime, the

obligation to protect the environment, the obligation relating to free navigation on international rivers, the obligation regarding fundamental human rights and freedoms, the obligation not to use prohibited weapons, the obligation not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group."

As a basis for the jurisdiction of the Court, Yugoslavia referred, in the cases against Belgium, Canada, the Netherlands, Portugal, Spain and the United Kingdom, to Article 36, paragraph 2, of the Statute of the Court and to Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter called the "Genocide Convention"); and, in the cases against France, Germany, Italy and the United States, to Article IX of the Genocide Convention and to Article 38, paragraph 5, of the Rules of Court.

In each of the cases Yugoslavia requested the International Court of Justice to adjudge and declare that:

"– by taking part in the bombing of the territory of the Federal Republic of Yugoslavia, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to use force against another State;
– by taking part in the training, arming, financing, equipping and supplying terrorist groups, i.e., the so-called 'Kosovo Liberation Army', the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to intervene in the affairs of another State;
– by taking part in attacks on civilian targets, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation to spare the civilian population, civilians and civilian objects;
– by taking part in destroying or damaging monasteries, monuments of culture, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to commit any act of hostility directed against historical monuments, works of art or places of worship which constitute cultural or spiritual heritage of people;
– by taking part in the use of cluster bombs, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to use prohibited weapons, i.e., weapons calculated to cause unnecessary suffering;
– by taking part in the bombing of oil refineries and chemical plants, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to cause considerable environmental damage;
– by taking part in the use of weapons containing depleted uranium, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not

to use prohibited weapons and not to cause far-reaching health and environmental damage;

- by taking part in killing civilians, destroying enterprises, communications, health and cultural institutions, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation to respect the right to life, the right to work, the right to information, the right to health care as well as other basic human rights;
- by taking part in destroying bridges on international rivers, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation to respect freedom of navigation on international rivers;
- by taking part in activities listed above, and in particular by causing enormous environmental damage and by using depleted uranium, the [respondent State concerned] has acted against the Federal Republic of Yugoslavia in breach of its obligation not to deliberately inflict on a national group conditions of life calculated to bring about its physical destruction, in whole or in part;
- the [respondent State concerned] is responsible for the violation of the above international obligations;
- the [respondent State concerned] is obliged to stop immediately the violation of the above obligations vis-à-vis the Federal Republic of Yugoslavia;
- the [respondent State concerned] is obliged to provide compensation for the damage done to the Federal Republic of Yugoslavia and to its citizens and juridical persons";

On the same day, 29 April 1999, Yugoslavia also submitted, in each of the cases, a request for the indication of provisional measures. It requested the Court to indicate the following measure:

> "The [respondent State concerned] shall cease immediately its acts of use of force and shall refrain from any act of threat or use of force against the Federal Republic of Yugoslavia."

Yugoslavia chose Mr. Milenko Kreca, Belgium Mr. Patrick Duinslaeger, Canada Mr. Marc Lalonde, Italy Mr. Giorgio Gaja, and Spain Mr. Santiago Torres Bernárdez to sit as judges *ad hoc* in the case.

Hearings on the requests for the indication of provisional measures were held between 10 and 12 May 1999.

At a public sitting held on 2 June 1999, the Vice-President of the Court, Acting President, read the Orders (*I.C.J. Reports 1999*, pp. 124, 259, 363, 422, 481, 542, 656, 761, 826 and 916), by which, in the cases *Yugoslavia* v. *Belgium*, *Yugoslavia* v. *Canada*, *Yugoslavia* v. *France*, *Yugoslavia* v. *Germany*, *Yugoslavia* v. *Italy*, *Yugoslavia* v. *Netherlands*, *Yugoslavia* v. *Portugal* and *Yugoslavia* v. *United Kingdom*, the Court rejected the requests for the indication of provisional measures submitted by that State and reserved the subsequent procedure for further decision. In the cases of *Yugoslavia* v. *Spain* and *Yugoslavia* v. *United States of America*, the Court — having found that it manifestly lacked jurisdiction to entertain Yugoslavia's Application; that it could not therefore indicate any provisional measure whatsoever in order to protect the rights invoked therein; and that, within a system of consensual jurisdiction, to maintain on the General List a case upon which it appeared certain that the Court would not be able to adjudicate on the merits would most assuredly not contribute to the sound administration of justice — rejected Yugoslavia's requests for the indication of provisional measures and ordered that those cases be removed from the List.

In each of the cases *Yugoslavia* v. *Belgium*, *Yugoslavia* v. *Canada*, *Yugoslavia* v. *Netherlands* and *Yugoslavia* v. *Portugal*, Judge Koroma appended a declaration to the Order of the Court; Judges Oda, Higgins, Parra-Aranguren and Kooijmans appended separate opinions; and Vice-President Weeramantry, Acting President, Judges Shi and Vereshchetin and Judge *ad hoc* Kreća appended dissenting opinions.

In each of the cases *Yugoslavia* v. *France*, *Yugoslavia* v. *Germany* and *Yugoslavia* v. *Italy*, Vice-President Weeramantry, Acting President, and Judges Shi, Koroma and Vereshchetin appended declarations to the Order of the Court; Judges Oda and Parra-Aranguren appended separate opinions; and Judge *ad hoc* Kreća appended a dissenting opinion.

In the case *Yugoslavia* v. *Spain*, Judges Shi, Koroma and Vereshchetin appended declarations to the Order of the Court; and Judges Oda, Higgins, Parra-Aranguren and Kooijmans and Judge *ad hoc* Kreća appended separate opinions.

In the case *Yugoslavia* v. *United Kingdom*, Vice-President Weeramantry, Acting President, and Judges Shi, Koroma and Vereshchetin appended declarations to the Order of the Court; Judges Oda, Higgins, Parra-Aranguren and Kooijmans appended separate opinions; and Judge *ad hoc* Kreća appended a dissenting opinion.

In the case *Yugoslavia* v. *United States of America*, Judges Shi, Koroma and Vereshchetin appended declarations to the Order of the Court; Judges Oda and Parra-Aranguren appended separate opinions; and Judge *ad hoc* Kreća appended a dissenting opinion.

By Orders of 30 June 1999 (*I.C.J. Reports 1999*, pp. 988, 991, 994, 997, 1000, 1003, 1006, 1009) the Court, having ascertained the views of the Parties, fixed the time-limits for the filing of the written pleadings in each of the eight cases maintained on the List: 5 January 2000 for the Memorial of Yugoslavia and 5 July 2000 for the Counter-Memorial of the respondent State concerned. The Memorial of Yugoslavia in each of the eight cases was filed within the prescribed time-limit.

On 5 July 2000, within the time-limit for the filing of its Counter-Memorial, each of the respondent States in the eight cases maintained on the Court's List (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) raised certain preliminary objections of lack of jurisdiction and inadmissibility.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

By Orders of 8 September 2000 (*I.C.J. Reports 2000*, pp. 149, 152, 155, 158, 161, 164, 167 and 170), the Vice-President of the Court, Acting President, taking account of the views of the Parties and the special circumstances of the cases, fixed 5 April 2001 as the time-limit for the filing, in each of the cases, of a written statement by Yugoslavia on the preliminary objections raised by the Respondent State concerned.

By Orders of 21 February 2001 (*I.C.J. Reports 2001*, pp. 13, 16, 19, 22, 25, 28, 31 and 34) and 20 March 2002 (*I.C.J. Reports 2002*, pp. 192, 195, 198, 201, 204, 207, 210 and 213), the Court, in each of the cases, taking account of the agreement of the Parties and of the circumstances of the case, extended that time-limit to 5 April 2002 and 7 April 2003 respectively.

17. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Uganda)*

On 23 June 1999 the Democratic Republic of the Congo (DRC) filed in the Registry of the Court Applications instituting proceedings against Burundi, Uganda and Rwanda respectively for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the OAU".

In its Applications, the DRC contended that "such armed aggression . . . ha[d] involved, *inter alia*, violation of the sovereignty and territorial integrity of the [DRC], violations of international humanitarian law and massive human rights violations". By instituting proceedings, the DRC was seeking "to secure the cessation of the acts of aggression directed against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular"; it was also seeking reparation for acts of intentional destruction and looting, and the restitution of national property and resources appropriated for the benefit of the respective respondent States.

In the cases concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Burundi) (Democratic Republic of the Congo* v. *Rwanda)*, the DRC invoked as bases for the jurisdiction of the Court Article 36, paragraph 1, of the Statute of the Court, the New York Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971, and also Article 38, paragraph 5, of the Rules of Court. This Article contemplates the situation where a State files an application against another State which has not accepted the jurisdiction of the Court. Article 36, paragraph 1, of the Statute, provides that "the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force".

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, the DRC invoked as a basis for the jurisdiction of the Court the declarations by which both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Art. 36, para. 2, of the Statute of the Court).

The Democratic Republic of the Congo requested the Court to:

> "*Adjudge and declare that:*
>
> (*a*) [The respondent State concerned] is guilty of an act of aggression within the meaning of Article 1 of resolution 3314 of the General Assembly of the United Nations of 14 December 1974 and of the jurisprudence of the International Court of Justice, contrary to Article 2, paragraph 4, of the United Nations Charter;
>
> (*b*) further, [the respondent State concerned] is committing repeated violations of the Geneva Conventions of 1949 and their Additional Protocols of 1977, in flagrant disregard of the elementary rules of international humanitarian law in conflict zones, and is also guilty of massive human rights violations in defiance of the most basic customary law;
>
> (*c*) more specifically, by taking forcible possession of the Inga hydroelectric dam, and deliberately and regularly causing massive electrical power cuts, in violation of the provisions of Article 56 of the Additional Protocol of 1977, [the respondent State concerned] has rendered itself responsible for very heavy losses of life among the 5 million inhabitants of the city of Kinshasa and the surrounding area;
>
> (*d*) by shooting down, on 9 October 1998 at Kindu, a Boeing 727 the property of Congo Airlines, thereby causing the death of 40 civilians, [the respondent State concerned] has also violated the Convention on International Civil Aviation signed at Chicago on 7 December 1944, the Hague Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft and the Montreal Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
>
> *Consequently, and pursuant to the aforementioned international legal obligations, to adjudge and declare that:*
>
> (1) all armed forces [of the respondent State concerned] participating in acts of aggression shall forthwith vacate the territory of the Democratic Republic of the Congo;

(2) [the respondent State concerned] shall secure the immediate and unconditional withdrawal from Congolese territory of its nationals, both natural and legal persons;

(3) the Democratic Republic of the Congo is entitled to compensation from [the respondent State concerned] in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to [the respondent State concerned], in respect of which the Democratic Republic of the Congo reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed."

In each of the two cases concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi) (Democratic Republic of the Congo v. Rwanda)*, the Democratic Republic of the Congo, by letters dated 15 January 2001, notified the Court that it wished to discontinue the proceedings and stated that it "reserve[d] the right to invoke subsequently new grounds of jurisdiction of the Court".

After, in each of the two cases, the respondent Party had informed the Court that it concurred in the DRC's discontinuance, the President of the Court, in Orders of 30 January 2001 (*I.C.J. Reports 2001*, pp. 3, 6), placed the discontinuance by the DRC on record and ordered the removal of the cases from the List.

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, the Court, taking into account the agreement of the Parties as expressed at a meeting held with them by the President of the Court on 19 October 1999, fixed, by an Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1022), 21 July 2000 as the time-limit for the filing of a Memorial by the Congo and 21 April 2001 for the filing of a Counter-Memorial by Uganda. The Memorial of the DRC was filed within the prescribed time-limit.

On 19 June 2000 the Congo, in the same case against Uganda, filed a request for the indication of provisional measures, stating that "since 5 June last, the resumption of fighting between the armed troops of . . . Uganda and another foreign army has caused considerable damage to the Congo and to its population" while "these tactics have been unanimously condemned, in particular by the United Nations Security Council".

In the request the Democratic Republic of the Congo maintained that "despite promises and declarations of principle . . . Uganda has pursued its policy of aggression, brutal armed attacks of oppression and looting" and that "this is moreover the third Kisangani war, coming after those of August 1999 and May 2000 and having been instigated by the Republic of Uganda . . .". The Congo observed that these acts "represent just one further episode constituting evidence of the military and paramilitary intervention, and of occupation, commenced by the Republic of Uganda in August 1998". It further stated that "each passing day causes to the Democratic Republic of the Congo and its inhabitants grave and irreparable prejudice" and that "it is urgent that the rights of the Democratic Republic of the Congo be safeguarded".

The Democratic Republic of the Congo requested the Court to indicate the following provisional measures:

> "(1) the Government of the Republic of Uganda must order its army to withdraw immediately and completely from Kisangani;
>
> (2) the Government of the Republic of Uganda must order its army to cease forthwith all fighting or military activity on the territory of the Democratic Republic of the Congo and to withdraw immediately and completely from that territory, and must forthwith desist from providing any direct or indirect support to any State, group, organization, movement or individual engaged or planning to engage in military activities on the territory of the Democratic Republic of the Congo;
>
> (3) the Government of the Republic of Uganda must take all measures in its power to ensure that any units, forces or agents are or could be under its authority, or which enjoy, or could enjoy its support, together with organizations or persons which could be under its control, authority or influence, desist forthwith from committing or inciting the commission of war crimes or any other oppressive or unlawful act against all persons on the territory of the Democratic Republic of the Congo;
>
> (4) the Government of the Republic of Uganda must forthwith discontinue any act having the aim or effect of disrupting, interfering with or hampering actions intended to give the population of the occupied zones the benefit of their fundamental human rights, and in particular their rights to health and education;
>
> (5) the Government of the Republic of Uganda must cease forthwith all illegal exploitation of the natural resources of the Democratic Republic of the Congo and any illegal transfer of assets, equipment or persons to its territory;
>
> (6) the Government of the Republic of Uganda must henceforth respect in full the right of the Democratic Republic of the Congo to sovereignty, political independence and territorial integrity, and the fundamental rights and freedoms of all persons on the territory of the Democratic Republic of the Congo."

By letters of the same date, 19 June 2000, the President of the Court, Judge Gilbert Guillaume, acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew "the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects".

Public sittings to hear the oral observations of the Parties on the request for the indication of provisional measures were held on 26 and 28 June 2000.

At a public sitting, held on 1 July 2000, the Court rendered its Order on the request for provisional measures made by the Democratic Republic of the Congo, by which it indicated that both Parties should, forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve; that both Parties should, forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000; and that both Parties should, forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law.

Judges Oda and Koroma appended declarations to the Order of the Court.

The Democratic Republic of the Congo chose Mr. Joe Verhoeven and Uganda Mr. James L. Kateka to sit as judges *ad hoc*.

Within the time-limit of 21 April 2001 fixed by the Court's Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1022), Uganda filed its Counter-Memorial. The Counter-Memorial contained counter-claims.

By an Order of 29 November 2001 (*I.C.J. Reports 2001*, p. 660), the Court found that two of the counter-claims submitted by Uganda against the Democratic Republic of the Congo were "admissible as such and [formed] part of the current proceedings", but that the third was not. In view of these conclusions, the Court considered it necessary for the DRC to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties, and fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 for the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court reserved the right of the DRC to present its views in writing a second time on the Uganda counter-claims, in an additional pleading to be the subject of a subsequent Order. Judge *ad hoc* Verhoeven appended a declaration to the Order. The Reply was filed within the time-limit thus fixed.

18. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia)*

On 2 July 1999 the Republic of Croatia filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Yugoslavia "for violations of the Convention on the Prevention and

Punishment of the Crime of Genocide", alleged to have been committed between 1991 and 1995.

In its Application, Croatia contended that

> "by directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slovenia, and Dalmatia, [Yugoslavia] is liable [for] the 'ethnic cleansing' of Croatian citizens from these areas . . . and is required to provide reparation for the resulting damage".

Croatia went on to state that

> "in addition, by directing, encouraging, and urging Croatian citizens of Serb ethnicity in the Knin region to evacuate the area in 1995, as . . . Croatia reasserted its legitimate governmental authority . . . [Yugoslavia] engaged in conduct amounting to a second round of 'ethnic cleansing' ".

The Application referred to Article 36, paragraph 1, of the Court's Statute and to Article IX of the Genocide Convention as the bases for the jurisdiction of the Court.

Croatia requested the Court to adjudge and declare:

> "(*a*) that the Federal Republic of Yugoslavia has breached its legal obligations toward the People and Republic of Croatia under Articles I, II (*a*), II (*b*), II (*c*), II (*d*), III (*a*), III (*b*), III (*c*), III (*d*), III (*e*), IV and V of the Genocide Convention;
>
> (*b*) that the Federal Republic of Yugoslavia has an obligation to pay to the Republic of Croatia, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court. The Republic of Croatia reserves the right to introduce to the Court at a future date a precise evaluation of the damages caused by the Federal Republic of Yugoslavia."

By an Order of 14 September 1999 (*I.C.J. Reports 1999*, p. 1015) the Court, taking account of the agreement of the Parties as expressed at a meeting between the President and the Agents of the Parties, held on 13 September 1999, fixed 14 March 2000 as the time-limit for the filing of the Memorial of Croatia and 14 September 2000 for the filing of the Counter-Memorial of Yugoslavia.

By an Order of 10 March 2000 (*I.C.J. Reports 2000*, p. 3), the President of the Court, at the request of Croatia and taking into account the views expressed by Yugoslavia, extended the above time-limits to 14 September 2000 for the Memorial and 14 September 2001 for the Counter-Memorial.

By an Order of 27 June 2000 (*I.C.J. Reports 2000*, p. 108) the Court, at the request of Croatia and taking into account the views expressed by

Yugoslavia, extended again the time-limits, to 14 March 2001 for the Memorial of Croatia and to 16 September 2002 for the Counter-Memorial of Yugoslavia. The Memorial of Croatia was filed within the time-limit thus extended.

Croatia chose Mr. Budislav Vukas to sit as judge *ad hoc*.

19. Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)

On 8 December 1999 the Republic of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras in respect of a dispute concerning the delimitation of the maritime zones appertaining to each of those States in the Caribbean Sea.

In its Application, Nicaragua stated *inter alia* that it had for decades "maintained the position that its maritime Caribbean border with Honduras has not been determined", while Honduras's position was said to be that

> "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed in [an Arbitral Award of 23 December 1906 made by the King of Spain concerning the land boundary between Nicaragua and Honduras, which was found valid and binding by the International Court of Justice on 18 November 1960] on the mouth of the Coco river".

According to Nicaragua, "the position adopted by Honduras . . . has brought repeated confrontations and mutual capture of vessels of both nations in and around the general border area". Nicaragua further stated that "diplomatic negotiations have failed".

Nicaragua therefore requested the Court

> "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

As a basis for the Court's jurisdiction, Nicaragua invoked Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogota"), signed on 30 April 1948, to which both Nicaragua and Honduras are parties, as well as the declarations under Article 36, paragraph 2, of the Statute of the Court, by which both States have accepted the compulsory jurisdiction of the Court.

By an Order of 21 March 2000 (*I.C.J. Reports 2000*, p. 6), the Court, taking into account the agreement of the Parties, fixed 21 March 2001 as the time-limit for the filing of the Memorial of Nicaragua and 21 March 2002 for the filing of the Counter-Memorial by Honduras. The Memorial of Nicaragua was filed within the prescribed time-limit.

Copies of the pleadings and documents annexed have been made available to the Government of Colombia, at its request.

By an Order of 13 June 2002 (*I.C.J. Reports 2002*, p. 216), the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Honduras and fixed the following time-limits for the filing of these pleadings: 13 January 2003 for the Reply and 13 August 2003 for the Rejoinder. The subsequent procedure has been reserved for further decision.

20. Arrest Warrant of 11 April 2000
(Democratic Republic of the Congo v. Belgium)

On 17 October 2000, the Democratic Republic of the Congo (the Congo) filed in the Registry of the Court an Application instituting proceedings against Belgium concerning an international arrest warrant issued on 11 April 2000 by a Belgian examining judge against the Congo's acting Minister for Foreign Affairs, Mr. Yerodia Abdoulaye Ndombasi, seeking his detention and subsequent extradition to Belgium for alleged crimes constituting "grave violations of international humanitarian law". The international arrest warrant was transmitted to all States, including the Congo, which received it on 12 July 2000.

In its Application, the Democratic Republic of the Congo notes that the arrest warrant, issued by Mr. Vandermeersch, examining judge at the Brussels Tribunal de première instance, characterizes the alleged facts as "crimes of international law committed by action or omission against persons or property protected by the Geneva Conventions of 12 August 1949 and the Additional Protocols I and II to those Conventions, crimes against humanity" and cites in support of this proposition provisions of the allegedly applicable Belgian Law of 16 June 1993 as amended by the Law of 10 February 1999 pertaining to the punishment of grave violations of international humanitarian law. The Democratic Republic of the Congo states that, according to the terms of the warrant, the examining judge affirms his competence to deal with facts allegedly committed on the territory of the Congo by a national of that State, without it being alleged that the victims are of Belgian nationality, or that the facts constitute violations of the security or dignity of the Kingdom of Belgium. It further observes that Article 5 of the above-mentioned Belgian Law prescribes that "the immunity conferred by a person's official capacity does not prevent application of this Law" and that Article 7 of the same Law establishes the universal applicability of the Law and the universal jurisdiction of Belgian courts in relation to "grave violations of international humanitarian law", which jurisdiction is not subject to the presence of the accused on Belgian territory.

The Congo maintains that Article 7 of the Belgian Law and the arrest warrant issued on the basis of that Article constitute "a violation of the principle whereby a State may not exercise its authority on the territory of another State and the principle of sovereign equality among all members of the United Nations", as declared in Article 2, paragraph 1, of the Charter. It also maintains that Article 5 and the arrest warrant contravene international law, in so far as they claim to derogate from the diplomatic immunity of the Minister for Foreign Affairs of a sovereign State, "deriving from Article 41, paragraph 2, of the Vienna Convention of 18 April 1961 on Diplomatic Relations".

Accordingly, the Congo asks the Court to declare that Belgium must annul the international arrest warrant issued against Mr. Abdoulaye Yerodia Ndombasi.

As a basis for the Court's jurisdiction, the Congo invokes the fact that "Belgium has accepted the Court's jurisdiction and [that], to the extent necessary, the present Application signifies acceptance of that jurisdiction by the Democratic Republic of the Congo".

The Democratic Republic of the Congo also filed a request for the indication of a provisional measure seeking "to have the arrest warrant withdrawn forthwith". In its request, the Congo maintains that "the two conditions that are essential for the indication of a provisional measure under the jurisprudence of the Court — urgency and the existence of irreparable damage — are manifestly present in this case". It stresses *inter alia* that "the disputed international arrest warrant in effect prevents the Minister [of the Democratic Republic of the Congo] from departing that State for any other State where his duties may call him and, accordingly, from accomplishing his duties".

Hearings on the request for the indication of provisional measures filed by the Congo were held from 20 to 23 November 2000.

During those hearings, the Democratic Republic of the Congo *inter alia* stated the following:

> "the Democratic Republic of the Congo requests the Court to order Belgium to comply with international law, to cease and desist from any conduct which might exacerbate the dispute with the Democratic Republic of the Congo, specifically, to discharge the international arrest warrant issued against Minister Yerodia".

Belgium, for its part, made the following submissions:

> "The Kingdom of Belgium asks that it may please the Court to refuse the request for the indication of provisional measures submitted by the Democratic Republic of the Congo in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)* and not indicate the provisional measures which are the subject of the request by the Democratic Republic of the Congo.
>
> The Kingdom of Belgium asks that it may please the Court to remove from its List the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)* brought by the Democratic Republic of the Congo against Belgium by Application dated 17 October 2000."

At a public sitting, held on 8 December 2000, the Court rendered its Order on the request for the indication of provisional measures (*I.C.J. Reports 2000*, p. 182), unanimously rejecting the request of the Kingdom of Belgium that the case be removed from the List, and finding, by fifteen votes to two, that the circumstances, as they presented themselves to the Court, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

Judges Oda and Ranjeva appended declarations to the Order of the Court; Judges Koroma and Parra-Aranguren separate opinions; Judge Rezek and Judge *ad hoc* Bula-Bula dissenting opinions; and Judge *ad hoc* Van den Wijngaert a declaration.

By an Order of 13 December 2000 (*I.C.J. Reports 2000*, p. 235), the President of the Court, taking account of the agreement of the Parties, fixed 15 March 2001 and 31 May 2001 as the time-limits for the filing of the Memorial of the Democratic Republic of the Congo and the Counter-Memorial of Belgium respectively.

By an Order of 14 March 2001 (*I.C.J. Reports 2001*, p. 37), the Court, at the request of the Democratic Republic of the Congo and taking account of the reasons given by it and of the agreement of the Parties, extended those time-limits to 17 April 2001 and 31 July 2001 respectively.

By an Order of 12 April 2001 (*I.C.J. Reports 2001*, p. 463), the President of the Court, at the request of the Democratic Republic of the Congo and taking account of the reasons given by it and of the agreement of the Parties, further extended those time-limits to 17 May 2001 for the Memorial of the Democratic Republic of the Congo and 17 September 2001 for Belgium's Counter-Memorial. The Memorial of the Democratic Republic of the Congo was filed within the time-limit thus extended.

By an Order of 27 June 2001 (*I.C.J. Reports 2001*, p. 559), the Court rejected a request by Belgium seeking to derogate from the agreed procedure in the case and extended to 28 September 2001 the time-limit for the filing by the latter of a Counter-Memorial addressing both questions of jurisdiction and admissibility and the merits of the dispute. It further fixed 15 October 2001 as the date for the opening of the hearings. The Counter-Memorial of Belgium was filed within the prescribed time-limit.

Public sittings to hear the oral arguments of the Parties were held from 15 to 19 October 2001.

At the conclusion of those hearings the Democratic Republic of the Congo requested that the Court adjudge and declare that:

> "1. by issuing and internationally circulating the arrest warrant of 11 April 2000 against Mr. Abdulaye Yerodia Ndombasi, Belgium committed a violation in regard to the Democratic Republic of the Congo of the rule of customary international law concerning the absolute inviolability and immunity from criminal process of incumbent foreign ministers; in so doing, it violated the principle of sovereign equality among States;

2. a formal finding by the Court of the unlawfulness of that act constitutes an appropriate form of satisfaction, providing reparation for the consequent moral injury to the Democratic Republic of the Congo;
3. the violations of international law underlying the issue and international circulation of the arrest warrant of 11 April 2000 preclude any State, including Belgium, from executing it;
4. Belgium shall be required to recall and cancel the arrest warrant of 11 April 2000 and to inform the foreign authorities to whom the warrant was circulated that Belgium renounces its request for their co-operation in executing the unlawful warrant."

The final submissions of Belgium read as follows:

> "For the reasons stated in the Counter-Memorial of Belgium and in its oral submissions, Belgium requests the Court, as a preliminary matter, to adjudge and declare that the Court lacks jurisdiction in this case and/or that the Application by the Democratic Republic of the Congo against Belgium is inadmissible.
>
> If, contrary to the submissions of Belgium with regard to the Court's jurisdiction and the admissibility of the Application, the Court concludes that it does have jurisdiction in this case and that the Application by the Democratic Republic of the Congo is admissible, Belgium requests the Court to reject the submissions of the Democratic Republic of the Congo on the merits of the case and to dismiss the Application."

At a public sitting of 14 February 2002, the Court delivered its Judgment (*I.C.J. Reports 2002*, p. 3), a summary of which is given below, followed by the text of the operative paragraph.

History of the proceedings and submissions of the Parties (paras. 1-12)

The Court first recalls the history of the proceedings and the submissions of the Parties as set out hereabove.

Background to the case (paras. 13-21)

On 11 April 2000 an investigating judge of the Brussels *Tribunal de première instance* issued "an international arrest warrant *in absentia*" against Mr. Abdulaye Yerodia Ndombasi, charging him, as perpetrator or co-perpetrator, with offences constituting grave breaches of the Geneva Conventions of 1949 and of the Additional Protocols thereto, and with crimes against humanity. The arrest warrant was circulated internationally through Interpol.

At the time when the arrest warrant was issued Mr. Yerodia was the Minister for Foreign Affairs of the Congo.

The crimes with which Mr. Yerodia was charged were punishable in Belgium under the Law of 16 June 1993 "concerning the Punishment of

Grave Breaches of the International Geneva Conventions of 12 August 1949 and of Protocols I and II of 8 June 1977 Additional Thereto", as amended by the Law of 19 February 1999 "concerning the Punishment of Serious Violations of International Humanitarian Law" (hereinafter referred to as the "Belgian Law").

On 17 October 2000, the Congo instituted proceedings before the International Court of Justice, requesting the Court "to declare that the Kingdom of Belgium shall annul the international arrest warrant issued on 11 April 2000". After the proceedings were instituted, Mr. Yerodia ceased to hold office as Minister for Foreign Affairs, and subsequently ceased to hold any ministerial office.

In its Application instituting proceedings, the Congo relied on two separate legal grounds. First, it claimed that "[t]he *universal jurisdiction* that the Belgian State attributes to itself under Article 7 of the Law in question" constituted a "[v]iolation of the principle that a State may not exercise its authority on the territory of another State and of the principle of sovereign equality among all Members of the United Nations". Secondly, it claimed that "[t]he non-recognition, on the basis of Article 5 . . . of the Belgian Law, of the immunity of a Minister for Foreign Affairs in office" constituted a "[v]iolation of the diplomatic immunity of the Minister for Foreign Affairs of a sovereign State". However, the Congo's Memorial and its final submissions refer only to a violation "in regard to the . . . Congo of the rule of customary international law concerning the absolute inviolability and immunity from criminal process of incumbent foreign ministers".

Objections of Belgium relating to jurisdiction, mootness and admissibility (paras. 22-44)

Belgium's first objection (paras. 23-28)

The Court begins by considering the first objection presented by Belgium, which reads as follows:

> "That, in the light of the fact that Mr. Yerodia Ndombasi is no longer either Minister for Foreign Affairs of the [Congo] or a minister occupying any other position in the . . . Government [of the Congo], there is no longer a 'legal dispute' between the Parties within the meaning of this term in the Optional Clause Declarations of the Parties and that the Court accordingly lacks jurisdiction in this case."

The Court recalls that, according to its settled jurisprudence, its jurisdiction must be determined at the time that the act instituting proceedings was filed. Thus, if the Court has jurisdiction on the date the case is referred to it, it continues to do so regardless of subsequent events. Such events might lead to a finding that an application has subsequently become moot and to a decision not to proceed to judgment on the merits, but they cannot deprive the Court of jurisdiction.

The Court then finds that, on the date that the Congo's Application instituting these proceedings was filed, each of the Parties was bound by a declaration of acceptance of compulsory jurisdiction, filed in accordance with Article 36, paragraph 2, of the Statute of the Court: Belgium by a declaration of 17 June 1958 and the Congo by a declaration of 8 February 1989. Those declarations contained no reservation applicable to the present case. The Court further observes that it is, moreover, not contested by the Parties that at the material time there was a legal dispute between them concerning the international lawfulness of the arrest warrant of 11 April 2000 and the consequences to be drawn if the warrant was unlawful. The Court accordingly concludes that at the time that it was seised of the case it had jurisdiction to deal with it, and that it still has such jurisdiction, and that Belgium's first objection must therefore be rejected.

Belgium's second objection (paras. 29-32)

The second objection presented by Belgium is the following:

> "That in the light of the fact that Mr. Yerodia Ndombasi is no longer either Minister for Foreign Affairs of the [Congo] or a minister occupying any other position in the . . . Government [of the Congo], the case is now without object and the Court should accordingly decline to proceed to judgment on the merits of the case."

The Court notes that it has already affirmed on a number of occasions that events occurring subsequent to the filing of an application may render the application without object such that the Court is not called upon to give a decision thereon. However, the Court considers that this is not such a case. It finds that the change which has occurred in the situation of Mr. Yerodia has not in fact put an end to the dispute between the Parties and has not deprived the Application of its object. The Congo argues that the arrest warrant issued by the Belgian judicial authorities against Mr. Yerodia was and remains unlawful. It asks the Court to hold that the warrant is unlawful, thus providing redress for the moral injury which the warrant allegedly caused to it. The Congo also continues to seek the cancellation of the warrant. For its part, Belgium contends that it did not act in violation of international law and it disputes the Congo's submissions. In the view of the Court, it follows from the foregoing that the Application of the Congo is not now without object and that accordingly the case is not moot. Belgium's second objection is accordingly rejected.

Belgium's third objection (paras. 33-36)

The third Belgian objection is put as follows:

> "That the case as it now stands is materially different to that set out in the [Congo]'s Application instituting proceedings and that the Court accordingly lacks jurisdiction in the case and/or that the application is inadmissible."

The Court notes that, in accordance with settled jurisprudence, it "cannot, in principle, allow a dispute brought before it by application to be transformed by amendments in the submissions into another dispute which is different in character". However, the Court considers that in the present case the facts underlying the Application have not changed in a way that produced such a transformation in the dispute brought before it. The question submitted to the Court for decision remains whether the issue and circulation of the arrest warrant by the Belgian judicial authorities against a person who was at that time the Minister for Foreign Affairs of the Congo were contrary to international law. The Congo's final submissions arise "directly out of the question which is the subject-matter of that Application". In these circumstances, the Court considers that Belgium cannot validly maintain that the dispute brought before the Court was transformed in a way that affected its ability to prepare its defence, or that the requirements of the sound administration of justice were infringed. Belgium's third objection is accordingly rejected.

Belgium's fourth objection (paras. 37-40)

The fourth Belgian objection reads as follows:

> "That, in the light of the new circumstances concerning Mr. Yerodia Ndombasi, the case has assumed the character of an action of diplomatic protection but one in which the individual being protected has failed to exhaust local remedies, and that the Court accordingly lacks jurisdiction in the case and/or that the application is inadmissible."

The Court notes that the Congo has never sought to invoke before it Mr. Yerodia's personal rights. It considers that, despite the change in professional situation of Mr. Yerodia, the character of the dispute submitted to the Court by means of the Application has not changed: the dispute still concerns the lawfulness of the arrest warrant issued on 11 April 2000 against a person who was at the time Minister for Foreign Affairs of the Congo, and the question whether the rights of the Congo have or have not been violated by that warrant. The Court finds that, as the Congo is not acting in the context of protection of one of its nationals, Belgium cannot rely upon the rules relating to the exhaustion of local remedies.

In any event, the Court recalls that an objection based on non-exhaustion of local remedies relates to the admissibility of the application. Under settled jurisprudence, the critical date for determining the admissibility of an application is the date on which it is filed. Belgium accepts that, on the date on which the Congo filed the Application instituting proceedings, the Congo had a direct legal interest in the matter, and was asserting a claim in its own name. Belgium's fourth objection is accordingly rejected.

Belgium's subsidiary argument concerning the non ultra petita *rule* (paras. 41-43)

As a subsidiary argument, Belgium further contends that "[i]n the event that the Court decides that it does have jurisdiction in this case and that the application is admissible, . . . the *non ultra petita* rule operates to limit the jurisdiction of the Court to those issues that are the subject of the [Congo]'s final submissions".

Belgium points out that the Congo initially advanced a twofold argument, based, on the one hand, on the Belgian judge's lack of jurisdiction and, on the other, on the immunity from jurisdiction enjoyed by its Minister for Foreign Affairs. According to Belgium, the Congo now confines itself to arguing the latter point, and the Court consequently cannot rule on the issue of universal jurisdiction in any decision it renders on the merits of the case.

The Court recalls the well-established principle that "it is the duty of the Court not only to reply to the questions as stated in the final submissions of the parties, but also to abstain from deciding points not included in those submissions". The Court observes that, while it is thus not entitled to decide upon questions not asked of it, the *non ultra petita* rule nonetheless cannot preclude the Court from addressing certain legal points in its reasoning. Thus in the present case the Court may not rule, in the operative part of its Judgment, on the question whether the disputed arrest warrant, issued by the Belgian investigating judge in exercise of his purported universal jurisdiction, complied in that regard with the rules and principles of international law governing the jurisdiction of national courts. This does not mean, however, that the Court may not deal with certain aspects of that question in the reasoning of its Judgment, should it deem this necessary or desirable.

Merits of the case (paras. 45-71)

As indicated above, in its Application instituting these proceedings, the Congo originally challenged the legality of the arrest warrant of 11 April 2000 on two separate grounds: on the one hand, Belgium's claim to exercise a universal jurisdiction and, on the other, the alleged violation of the immunities of the Minister for Foreign Affairs of the Congo then in office. However, in its submissions in its Memorial, and in its final submissions at the close of the oral proceedings, the Congo invokes only the latter ground.

The Court observes that, as a matter of logic, the second ground should be addressed only once there has been a determination in respect of the first, since it is only where a State has jurisdiction under international law in relation to a particular matter that there can be any question of immunities in regard to the exercise of that jurisdiction. However, in the present case, and in view of the final form of the Congo's submissions, the Court first addresses the question whether, assuming that it had jurisdiction under international law to issue and circulate the arrest warrant of 11 April 2000, Belgium in so doing violated the immunities of the then Minister for Foreign Affairs of the Congo.

Immunity and inviolability of an incumbent Foreign Minister in general (paras. 47-55)

The Court observes at the outset that in international law it is firmly established that, as also diplomatic and consular agents, certain holders of high-ranking office in a State, such as the Head of State, Head of Government and Minister for Foreign Affairs, enjoy immunities from jurisdiction in other States, both civil and criminal. For the purposes of the present case, it is only the immunity from criminal jurisdiction and the inviolability of an incumbent Minister for Foreign Affairs that fall for the Court to consider.

The Court notes that a certain number of treaty instruments were cited by the Parties in this regard, including the Vienna Convention on Diplomatic Relations of 18 April 1961 and the New York Convention on Special Missions of 8 December 1969. The Court finds that these conventions provide useful guidance on certain aspects of the question of immunities, but that they do not contain any provision specifically defining the immunities enjoyed by Ministers for Foreign Affairs. It is consequently on the basis of customary international law that the Court must decide the questions relating to the immunities of such Ministers raised in the present case.

In customary international law, the immunities accorded to Ministers for Foreign Affairs are not granted for their personal benefit, but to ensure the effective performance of their functions on behalf of their respective States. In order to determine the extent of these immunities, the Court must therefore first consider the nature of the functions exercised by a Minister for Foreign Affairs. After an examination of those functions, the Court concludes that they are such that, throughout the duration of his or her office, a Minister for Foreign Affairs when abroad enjoys full immunity from criminal jurisdiction and inviolability. That immunity and that inviolability protect the individual concerned against any act of authority of another State which would hinder him or her in the performance of his or her duties.

The Court finds that in this respect no distinction can be drawn between acts performed by a Minister for Foreign Affairs in an "official" capacity and those claimed to have been performed in a "private capacity", or, for that matter, between acts performed before the person concerned assumed office as Minister for Foreign Affairs and acts committed during the period of office. Thus, if a Minister for Foreign Affairs is arrested in another State on a criminal charge, he or she is clearly thereby prevented from exercising the functions of his or her office. Furthermore, even the mere risk that, by travelling to or transiting another State, a Minister for Foreign Affairs might be exposing himself or herself to legal proceedings could deter the Minister from travelling internationally when required to do so for the purposes of the performance of his or her official functions.

The Court then addresses Belgium's argument that immunities accorded to incumbent Ministers for Foreign Affairs can in no case protect them where they are suspected of having committed war crimes or crimes against humanity.

The Court states that it has carefully examined State practice, including national legislation and those few decisions of national higher courts, such as the House of Lords in the United Kingdom or the French Court of Cassation, and that it has been unable to deduce from this practice that there exists under customary international law any form of exception to the rule according immunity from criminal jurisdiction and inviolability to incumbent Ministers for Foreign Affairs, where they are suspected of having committed war crimes or crimes against humanity. The Court adds that it has also examined the rules concerning the immunity or criminal responsibility of persons having an official capacity contained in the legal instruments creating international criminal tribunals, and which are specifically applicable to the latter (see Charter of the International Military Tribunal of Nuremberg, Art. 7; Charter of the International Military Tribunal of Tokyo, Art. 6; Statute of the International Criminal Tribunal for the former Yugoslavia, Art. 7, para. 2; Statute of the International Criminal Tribunal for Rwanda, Art. 6, para. 2; Statute of the International Criminal Court, Art. 27), and that it finds that these rules likewise do not enable it to conclude that any such exception exists in customary international law in regard to national courts. Finally, the Court observes that none of the decisions of the Nuremberg and Tokyo international military tribunals, or of the International Criminal Tribunal for the former Yugoslavia, cited by Belgium deal with the question of the immunities of incumbent Ministers for Foreign Affairs before national courts where they are accused of having committed war crimes or crimes against humanity. The Court accordingly notes that those decisions are in no way at variance with the findings it has reached above. The Court accordingly does not accept Belgium's argument in this regard.

It further notes that the rules governing the jurisdiction of national courts must be carefully distinguished from those governing jurisdictional immunities: jurisdiction does not imply absence of immunity, while absence of immunity does not imply jurisdiction. Thus, although various international conventions on the prevention and punishment of certain serious crimes impose on States obligations of prosecution or extradition, thereby requiring them to extend their criminal jurisdiction, such extension of jurisdiction in no way affects immunities under customary international law, including those of Ministers for Foreign Affairs. The Court emphasizes, however, that the *immunity* from jurisdiction enjoyed by incumbent Ministers for Foreign Affairs does not mean that they enjoy *impunity* in respect of any crimes they might have committed, irrespective of their gravity. Jurisdictional immunity may well bar prosecution for a certain period or for certain offences; it cannot exonerate the person to whom it applies from all criminal responsibility. Accordingly, the immunities enjoyed under international law by an incumbent or former Minister for Foreign Affairs do not represent a bar to criminal prosecution in certain circumstances. The Court refers to circumstances where such persons are tried in their own countries, where the State which they represent or have represented decides to waive that immunity, where such persons no longer enjoy all of the immunities accorded by international law in other States after ceasing to hold the office of Minister for Foreign Affairs, and where such persons are subject to criminal proceedings before certain international criminal courts, where they have jurisdiction.

The issue and circulation of the arrest warrant of 11 April 2000 (paras. 62-71)

Given the conclusions it has reached above concerning the nature and scope of the rules governing the immunity from criminal jurisdiction enjoyed by incumbent Ministers for Foreign Affairs, the Court then considers whether in the present case the issue of the arrest warrant of 11 April 2000 and its international circulation violated those rules. The Court recalls in this regard that the Congo requests it, in its first final submission, to adjudge and declare that:

> "[B]y issuing and internationally circulating the arrest warrant of 11 April 2000 against Mr. Abdulaye Yerodia Ndombasi, Belgium committed a violation in regard to the Democratic Republic of the Congo of the rule of customary international law concerning the absolute inviolability and immunity from criminal process of incumbent foreign ministers; in so doing, it violated the principle of sovereign equality among States."

After examining the terms of the arrest warrant, the Court notes that its *issuance*, as such, represents an act by the Belgian judicial authorities intended to enable the arrest on Belgian territory of an incumbent Minister for Foreign Affairs on charges of war crimes and crimes against humanity. The fact that the warrant is enforceable is clearly apparent from the order given in it to "all bailiffs and agents of public authority . . . to execute this arrest warrant" and from the assertion in the warrant that "the position of Minister for Foreign Affairs currently held by the accused does not entail immunity from jurisdiction and enforcement". The Court notes that the warrant did admittedly make an exception for the case of an official visit by Mr. Yerodia to Belgium, and that Mr. Yerodia never suffered arrest in Belgium. The Court considers itself bound, however, to find that, given the nature and purpose of the warrant, its mere issue violated the immunity which Mr. Yerodia enjoyed as the Congo's incumbent Minister for Foreign Affairs. The Court accordingly concludes that the issue of the warrant constituted a violation of an obligation of Belgium towards the Congo, in that it failed to respect the immunity of that Minister and, more particularly, infringed the immunity from criminal jurisdiction and the inviolability then enjoyed by him under international law.

The Court also notes that Belgium admits that the purpose of the international *circulation* of the disputed arrest warrant was "to establish a legal basis for the arrest of Mr. Yerodia . . . abroad and his subsequent extradition to Belgium". The Court finds that, as in the case of the warrant's issue, its international circulation from June 2000 by the Belgian authorities, given its nature and purpose, effectively infringed Mr. Yerodia's immunity as the Congo's incumbent Minister for Foreign Affairs and was furthermore liable to affect the Congo's conduct of its international relations. The Court concludes that the circulation of the warrant, whether or not it significantly interfered with Mr. Yerodia's diplomatic activity, constituted a violation of an obligation of Belgium towards the Congo, in that it failed to respect the immunity of the incumbent Minister for Foreign Affairs of the Congo and, more particularly, infringed the immunity from criminal jurisdiction and inviolability then enjoyed by him under international law.

Remedies (paras. 72-77)

The Court then addresses the issue of the remedies sought by the Congo on account of Belgium's violation of the above-mentioned rules of international law. (Cf. the second, third and fourth submissions of the Congo reproduced above.)

The Court observes that it has already concluded that the issue and circulation of the arrest warrant of 11 April 2000 by the Belgian authorities failed to respect the immunity of the incumbent Minister for Foreign Affairs of the Congo and, more particularly, infringed the immunity from criminal jurisdiction and the inviolability then enjoyed by Mr. Yerodia under international law. Those acts engaged Belgium's international responsibility. The Court considers that the findings so reached by it constitute a form of satisfaction which will make good the moral injury complained of by the Congo.

However, the Court goes on to observe that, as the Permanent Court of International Justice stated in its Judgment of 13 September 1928 in the case concerning the *Factory at Chorzów*:

> "[t]he essential principle contained in the actual notion of an illegal act – a principle which seems to be established by international practice and in particular by the decisions of arbitral tribunals – is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed" (*P.C.I.J., Series A, No. 17*, p. 47).

The Court finds that, in the present case, "the situation which would, in all probability, have existed if [the illegal act] had not been committed" cannot be re-established merely by a finding by the Court that the arrest warrant was unlawful under international law. The warrant is still extant, and remains unlawful, notwithstanding the fact that Mr. Yerodia has ceased to be Minister for Foreign Affairs. The Court accordingly considers that Belgium must, by means of its own choosing, cancel the warrant in question and so inform the authorities to whom it was circulated.

The Court sees no need for any further remedy: in particular, the Court points out that it cannot, in a judgment ruling on a dispute between the Congo and Belgium, indicate what that judgment's implications might be for third States, and the Court finds that it cannot therefore accept the Congo's submissions on this point.

*

Operative paragraph (para. 78):

"For these reasons,

THE COURT,

(1) (A) By fifteen votes to one,

Rejects the objections of the Kingdom of Belgium relating to jurisdiction, mootness and admissibility;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judges* ad hoc Bula-Bula, Van den Wyngaert;

AGAINST: *Judge* Oda;

(B) By fifteen votes to one,

Finds that it has jurisdiction to entertain the Application filed by the Democratic Republic of the Congo on 17 October 2000;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judges* ad hoc Bula-Bula, Van den Wyngaert;

AGAINST: *Judge* Oda;

(C) By fifteen votes to one,

Finds that the Application of the Democratic Republic of the Congo is not without object and that accordingly the case is not moot;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judges* ad hoc Bula-Bula, Van den Wyngaert;

AGAINST: *Judge* Oda;

(D) By fifteen votes to one,

Finds that the Application of the Democratic Republic of the Congo is admissible;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judges* ad hoc Bula-Bula, Van den Wyngaert;

AGAINST: *Judge* Oda;

(2) By thirteen votes to three,

Finds that the issue against Mr. Abdulaye Yerodia Ndombasi of the arrest warrant of 11 April 2000, and its international circulation, constituted violations of a legal obligation of the Kingdom of Belgium towards the Democratic Republic of the Congo, in that they failed to respect the immunity from criminal jurisdiction and the inviolability which the incumbent Minister for Foreign Affairs of the Democratic Republic of the Congo enjoyed under international law;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Buergenthal; *Judge* ad hoc Bula-Bula;

AGAINST: *Judges* Oda, Al-Khasawneh; *Judge* ad hoc Van den Wyngaert;

(3) By ten votes to six,

Finds that the Kingdom of Belgium must, by means of its own choosing, cancel the arrest warrant of 11 April 2000 and so inform the authorities to whom that warrant was circulated.

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Parra-Aranguren, Rezek; *Judge* ad hoc Bula-Bula;

AGAINST: *Judges* Oda, Higgins, Kooijmans, Al-Khasawneh, Buergenthal; *Judge* ad hoc Van den Wyngaert."

*

President Guillaume appended a separate opinion to the Judgment of the Court; Judge Oda a dissenting opinion; Judge Ranjeva a declaration; Judge Koroma a separate opinion; Judges Higgins, Kooijmans and Buergenthal a joint separate opinion; Judge Rezek a separate opinion; Judge Al-Khasawneh a dissenting opinion; Judge *ad hoc* Bula-Bula a separate opinion; and Judge *ad hoc* Van den Wyngaert a dissenting opinion.

21. *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*

On 24 April 2001 the Federal Republic of Yugoslavia (FRY) filed in the Registry of the Court an Application for revision of the Judgment delivered by the Court on 11 July 1996 in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia), Preliminary Objections.*

In that Judgment (see above, p. 245), the Court rejected the preliminary objections raised by Yugoslavia and found that it had jurisdiction to deal with the case on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, dismissing the additional bases of jurisdiction invoked by Bosnia and Herzegovina. The Court further found that the Application filed by Bosnia and Herzegovina was admissible.

Yugoslavia contends that a revision of the Judgment is necessary now that it has become clear that, before 1 November 2000 (the date on which it was admitted as a new Member of the United Nations), Yugoslavia did not continue the international legal and political personality of the Socialist Federal Republic of Yugoslavia, was not a Member of the United Nations, was not a State party to the Statute of the Court, and was not a State party to the Genocide Convention (which is only open to United Nations Member States or to non-Member States to which an invitation to sign or accede has been addressed by the General Assembly).

Yugoslavia bases its Application for revision on Article 61 of the Statute of the Court, which provides in its first paragraph that

> "an application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence".

Yugoslavia states that its admission to the United Nations as a new Member on 1 November 2000 constitutes "a new fact", which was "obviously unknown to both the Court and to [Yugoslavia] at the time of the 1996 Judgment". It adds that

> "since membership in the United Nations, combined with the status of a party to the Statute [of the Court] and to the Genocide Convention represent the only basis on which jurisdiction over the FRY was assumed, and could be assumed, the disappearance of this assumption . . . [is] clearly of such a nature [as] to be a decisive factor".

Yugoslavia asserts that no alternative basis for the Court's jurisdiction existed or could have existed in the case. Yugoslavia further notes that, while on 8 March 2001 it submitted to the United Nations Secretary-General a notification seeking accession to the Genocide Convention, that instrument includes a reservation to Article IX. Moreover, according to Yugoslavia,

> "accession has no retroactive effect. Even if it had [retroactive effect] this cannot possibly encompass the compromissory clause in Article IX of the Genocide Convention, because the FRY never accepted Article IX and the FRY's accession [to the Convention] did not encompass Article IX."

For all these reasons, Yugoslavia requested the Court to declare that "there is a new fact of such a character as to lay the case open to revision under Article 61 of the Statute of the Court". It further asked the Court to "suspend proceedings regarding the merits of the Case until a decision on this Application is rendered".

Copies of the pleadings have been made available to the Government of Croatia, at its request.

On 3 December 2001, within the time-limit fixed by the President of the Court at a meeting with the representatives of the Parties, Bosnia and Herzegovina filed written observations regarding the admissibility of Yugoslavia's Application, in accordance with Article 99, paragraph 2, of the Rules of Court.

22. *Certain Property (Liechtenstein* v. *Germany)*

On 1 June 2001 Liechtenstein filed in the Registry of the Court an Application instituting proceedings against Germany concerning

> "decisions of Germany . . . to treat certain property of Liechtenstein nationals as German assets . . . seized for the purposes of reparation or restitution as a consequence of World War II . . . without ensuring any compensation."

In the Application, Liechtenstein alleges the following facts. In 1945, Czechoslovakia — during World War II an allied country and a belligerent against Germany — through a series of decrees (the Beneš decrees) seized German and Hungarian property located on its territory. Czechoslovakia applied those decrees not only to German and Hungarian nationals, but also to other persons allegedly of German or Hungarian origin or ethnicity. For this purpose it treated the nationals of Liechtenstein as German nationals. The property of these Liechtenstein nationals seized under these decrees (the "Liechtenstein property") has never been returned to its owners nor has compensation been offered or paid. The application of the Beneš decrees to the Liechtenstein property remained an unresolved issue between Liechtenstein and Czechoslovakia until the dissolution of the latter, and it continues to be an unresolved issue as between Liechtenstein and the Czech Republic, on whose territory the vast majority of Liechtenstein property is located.

Liechtenstein further refers to the Convention on the Settlement of Matters arising out of the War and the Occupation, signed at Bonn on 26 May 1952 ("the Settlement Convention"). The Application states that by Article 3, paragraph 1, of this Convention, Germany agreed, *inter alia*, that it would "in the future raise no objections against the measures which have been, or will be, carried out with regard to German external assets or other property, seized for the purpose of reparation or restitution, or as a result of the state of war". The Application alleges that the Settlement Convention was only concerned with German property so-called, i.e., property of the German State or of its nationals, and that under international law, having regard to Liechtenstein's neutrality and the absence of whatsoever links between Liechtenstein and the conduct of the war by Germany, any Liechtenstein property that may have been affected by measures of an Allied power could not be considered as "seized for the purpose of reparation or restitution, or as a result of the state of war". Liechtenstein maintains that subsequent to the conclusion of the Settlement Convention, it was accordingly understood between Germany and itself that the Liechtenstein property did not fall within the régime of the Convention, and that, as a corollary, Germany maintained the position that property falling outside the scope of the Convention was unlawfully seized, and that the German courts were not barred from considering claims affecting such property.

Liechtenstein alleges that in 1998 the position of the Federal Republic of Germany changed, however, as a result of a decision of the Federal Constitutional Court of 28 January 1998. The decision concerned a painting which was among the Liechtenstein property seized in 1945, and which was in possession of the Historic Monument Offices in Brno, Czech Republic, a State entity of the Czech Republic. It was brought to Germany for the purposes of an exhibition, and thus came into possession of the Municipality of Cologne. At the request of the Reigning Prince, Prince Hans Adam II, acting in his private capacity, the painting was attached pending determination of the claim by the German courts. Eventually, however, the claim failed. The Federal Constitutional Court held that the German courts were required by Article 3 of the Settlement Convention to treat the painting as German property in the sense of the Convention. Accordingly the painting was released and returned to the Czech Republic. The Application of Liechtenstein claims that the decision of the Federal Constitutional Court is unappealable, and is attributable to Germany as a matter of international law and is binding upon Germany.

Liechtenstein states that it protested to Germany that the latter was treating as German assets which belonged to nationals of Liechtenstein, to their detriment and the detriment of Liechtenstein itself. It states further that Germany rejected this protest and that in subsequent consultations it became clear that Germany now adheres to the position that Liechtenstein assets as a whole were "seized for the purpose of reparation or restitution, or as a result of the state of war" within the meaning of the Convention, even though the decision of the Federal Constitutional Court only concerned a single item. According to the Application of Liechtenstein, in taking this position Germany remains faithful to the decision of its highest court in the matter; but at the same time it ignores and undermines the rights of Liechtenstein and its nationals in respect of the Liechtenstein property. Liechtenstein claims that:

> (*a*) by its conduct with respect to the Liechtenstein property, in and since 1998, Germany failed to respect the rights of Liechtenstein with respect to that property;
> (*b*) by its failure to make compensation for losses suffered by Liechtenstein and/or its nationals, Germany is in breach of the rules of international law".

Liechtenstein accordingly requests the Court "to adjudge and declare that Germany has incurred international legal responsibility and is bound to make appropriate reparation to Liechtenstein for the damage and prejudice suffered". Liechtenstein further requests "that the nature and amount of such reparation should, in the absence of agreement between the parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings".

As a basis for the Court's jurisdiction, Liechtenstein invokes Article 1 of the European Convention for the Peaceful Settlement of Disputes, signed at Strasbourg on 29 April 1957.

By an Order of 28 June 2001, the Court, taking account of the agreement of the Parties, fixed 28 March 2002 as the time-limit for the filing of a Memorial by Liechtenstein and 27 December 2002 as the time-limit for the filing of a Counter-Memorial by Germany.

On 27 June 2002, Germany filed certain preliminary objections to jurisdiction and admissibility. By virtue of Article 79, paragraph 5, of the Rules of the Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

By an Order of 12 July 2002 (*I.C.J. Reports 2002*, p. 296), the President of the Court, taking into account the views of the Parties, fixed thereupon 15 November 2002 as the time-limit for the presentation by Liechtenstein of a written statement outlining its observations and conclusions with regard to the preliminary objections raised by Germany.

23. Territorial and Maritime Dispute (Nicaragua v. *Colombia)*

On 6 December 2001, Nicaragua instituted proceedings against Colombia in respect of a dispute concerning "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation".

In its Application, Nicaragua *inter alia* claimed that

> "the islands and keys of San Andrés and Providencia pertain to those groups of islands and keys that in 1821 [date of independence from Spain] became part of the newly formed Federation of Central American States and, after the dissolution of the Federation in 1838, . . . came to be part of the sovereign territory of Nicaragua".

It considered in this connection that the Barcenas-Esguerra Treaty of 24 March 1928 "lacks legal validity and consequently cannot provide a basis of Colombian title with respect to the Archipelago of San Andrés". Nicaragua added that, in any case, that treaty was "not . . . a treaty of delimitation".

Nicaragua recalled that its Constitution as early as 1948 affirmed that the national territory included the continental platforms on both the Atlantic and Pacific Oceans and that by decrees of 1958 it made it clear that the resources of the continental shelf belonged to it. In 1965 it moreover declared a national fishing zone of 200 nautical miles. Nicaragua went on to state that, by claiming sovereignty over the islands of Providencia and San Andrés and keys which, according to it, "have a total of land area of 44 square kilometres and an overall coastal length that is under 20 kilometres, Colombia claims dominion over more than 50,000 square kilometres of maritime space that appertain to Nicaragua", which represented "more than half" the maritime spaces of Nicaragua in the Caribbean Sea. It contended that the current situation was "seriously imperilling the livelihood of the Nicaraguan people, particularly those of the Caribbean coast that traditionally have had a great dependence on natural resources of the sea" and observed that the Colombian navy had been intercepting and capturing a number of fishing vessels "in areas as close as 70 miles off the Nicaraguan coast", east of the 82 meridian. Nicaragua finally maintained that diplomatic negotiations had failed.

Nicaragua therefore requested the Court to

> "adjudge and declare:
>
> *First*, that . . . Nicaragua has sovereignty over the islands of Providencia, San Andrés and Santa Catalina and all the appurtenant islands and keys, and also over the Roncador, Serrana, Serranilla and Quitasueño keys (in so far as they are capable of appropriation);
>
> *Second*, in the light of the determinations concerning title requested above, the Court is asked further to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

Nicaragua further indicated that "it reserves the right to claim compensation for elements of unjust enrichment consequent upon Colombian possession of the Islands of San Andrés and Providencia as well as the keys and maritime spaces up to the 82 meridian, in the absence of lawful title", as well as "the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua".

As a basis for the Court's jurisdiction, Nicaragua invoked Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which both Nicaragua and Colombia are parties. Nicaragua also refers to the declarations under Article 36 of the Statute of the Court, by which Nicaragua and Colombia accepted the compulsory jurisdiction of the Court, in 1929 and 1937 respectively.

By an Order of 26 February 2002 (*I.C.J. Reports 2002*, p. 189), the Court, taking into account the views expressed by the Parties, fixed 28 April 2003 and 28 June 2004, respectively, as the time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia. The subsequent procedure has been reserved for further decision.

24. Frontier Dispute (Benin/Niger)

On 3 May 2002 Benin and Niger filed in the Registry of the Court a joint letter notifying the Court of a Special Agreement, which was signed on 15 June 2001 in Cotonou and entered into force on 11 April 2002.

Under Article 1 of the Special Agreement, the Parties have agreed to submit their boundary dispute to a Chamber to be formed by the Court, pursuant to Article 26, paragraph 2, of the Statute of the Court, and that each of them will choose a judge *ad hoc*.

Article 2 of the Special Agreement states the subject-matter of the dispute in the following terms:

> "The Court is requested to:
>
> *(a)* determine the course of the boundary between the Republic of Benin and the Republic of Niger in the River Niger sector;
>
> *(b)* specify which State owns each of the islands in the said river, and in particular Lété Island;
>
> *(c)* determine the course of the boundary between the two States the River Mekrou sector."

In Article 3, paragraph 1, the Parties *inter alia* request the Court to authorize the following written pleadings:

> "*(a)* a Memorial filed by each Party not later than nine (9) months after the adoption by the Court of the Order constituting the Chamber;
>
> *(b)* a Counter-Memorial filed by each Party not later than nine (9) months after exchange of Memorials;

(*c*) any other pleading whose filing, at the request of either of the Parties, shall have been authorized or directed by the Court".

Article 7 of the Special Agreement, entitled "Judgment of the Chamber", reads as follows:

> "1. The Parties accept the judgment of the Chamber given pursuant to the present Special Agreement as final and binding upon them.
>
> 2. From the day on which the judgment is rendered, the Parties shall have eighteen (18) months in which to commence the works of demarcation of the boundary.
>
> 3. In case of difficulty in the implementation of the judgment, either Party may seise the Court pursuant to Article 60 of its Statute."

Finally, Article 10 contains a "special undertaking" as follows:

> "Pending the judgment of the Chamber, the Parties undertake to preserve peace, security and quiet among the peoples of the two States."

25. *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*

On 28 May 2002, the Government of the Democratic Republic of the Congo (DRC) filed in the Registry of the Court an Application instituting proceedings against Rwanda in respect of a dispute concerning "massive, serious and flagrant violations of human rights and of international humanitarian law" resulting

> "from acts of armed aggression perpetrated by Rwanda on the territory of the Democratic Republic of the Congo in flagrant breach of the sovereignty and territorial integrity of the [latter], as guaranteed by the United Nations Charter and the Charter of the Organization of African Unity".

In its Application, the DRC states that Rwanda has been guilty of "armed aggression" from August 1998 to the present day. According to it, that aggression has resulted in "large-scale human slaughter" in South Kivu, Katanga Province and the Eastern Province, "rape and sexual assault of women", "assassinations and kidnapping of political figures and human rights activists", "arrests, arbitrary detentions, inhuman and degrading treatment", "systematic looting of public and private institutions, seizure of property belonging to civilians", "human rights violations committed by the invading Rwandan troops and their 'rebel' allies in the major towns in the East" of the DRC, and "destruction of fauna and flora" of the country.

In consequence, the Democratic Republic of the Congo requests the Court to

"*Adjudge and declare that:*

(a) Rwanda has violated and is violating the United Nations Charter (Article 2, paragraphs 3 and 4) by violating the human rights which are the goal pursued by the United Nations through the maintenance of international peace and security, as well as Articles 3 and 4 of the Charter of the Organization of African Unity;

(b) Rwanda has violated the International Bill of Human Rights, as well as the main instruments protecting human rights, including *inter alia* the Convention on the Elimination of [All Forms of] Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, the Constitution of the WHO, the Constitution of Unesco;

(c) by shooting down a Boeing 727 owned by Congo Airlines on 9 October 1998 in Kindu, thereby causing the death of 40 civilians, Rwanda has also violated the United Nations Charter, the Convention on International Civil Aviation of 7 December 1944 signed at Chicago, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970 and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971;

(d) by engaging in killing, slaughter, rape, throat-slitting, and crucifying, Rwanda is guilty of genocide against more than 3,500,000 Congolese, including the victims of the recent massacres in the city of Kisangani, and has violated the sacred right to life provided for in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international legal instruments.

In consequence, and in accordance with the international legal obligations referred to above, to adjudge and declare that:

(1) all Rwandan armed forces at the origin of the aggression shall forthwith quit the territory of the Democratic Republic of the Congo, so as to enable the Congolese people to enjoy in full their rights to peace, to security, to their resources and to development;

(2) Rwanda is under an obligation to procure the immediate, unconditional withdrawal of its armed forces and the like from Congolese territory;

(3) the Democratic Republic of the Congo is entitled to compensation from Rwanda for all acts of looting, destruction, slaughter,

> removal of property or persons and other acts of wrongdoing imputable to Rwanda, in respect of which the Democratic Republic of the Congo reserves the right to establish a precise assessment of the prejudice at a later date, in addition to restitution of the property removed.
>
> It also reserves the right in the course of the proceedings to claim other damage suffered by it and its people."

In the Application, the DRC states that the Court's jurisdiction "deriv[es] from compromissory clauses" in many international legal instruments. In this connection, it cites the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the Constitution of the World Health Organization (WHO), the Constitution of the United Nations Educational, Scientific and Cultural Organization (Unesco), the 1984 New York Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. The DRC adds that the jurisdiction of the Court also derives from the supremacy of mandatory norms (*jus cogens*), as reflected in certain international treaties and conventions, in the area of human rights.

On the same day, 20 May 2002, the Democratic Republic of the Congo also filed a request for the indication of provisional measures. In that request it states that, in addition to the numerous

> "crimes set out in the Application instituting proceedings, the perpetrator of which is Rwanda, the urgent request by the Democratic Republic of the Congo for provisional measures is amply justified by the fact that the massacres (begun in August 1998) have been continuing since January 2002 up to the present time, despite numerous resolutions of the United Nations Security Council and Human Rights Commission",

and that the purpose of the provisional measures which it is requesting, "pending the Court's decision on the merits [is] to prevent irreparable harm being caused to its lawful rights and to those of its population by reason of the occupation of part of its territory by Rwandan forces", and furthermore that, "[t]o fail to make an immediate order for the measures sought would have humanitarian consequences incapable of being made good, whether in the short term or in the long term".

Hearings on the request for provisional measures filed by the Democratic Republic of the Congo were held on 13 and 14 June 2002, during which the Court heard the oral observations of each of the two Parties.

At a public sitting of 10 July 2002, the Court delivered its Order on the DRC's request for the indication of provisional measures (*I.C.J.*

Reports 2002, p. 219), a summary of which is given below, followed by the text of the operative paragraph.

In its Order, the Court first emphasizes that it "is deeply concerned by the deplorable human tragedy, loss of life, and enormous suffering in the east of the Democratic Republic of the Congo resulting from the continued fighting there". Mindful of the purposes and principles of the United Nations Charter and of its own responsibilities in the maintenance of peace and security under the Charter and its Statute, the Court "finds it necessary to emphasize that all parties to proceedings before it must act in conformity with their obligations pursuant to the United Nations Charter and other rules of international law, including humanitarian law". The Court considers that it

> "cannot in the present case over-emphasize the obligation borne by the Congo and Rwanda to respect the provisions of the Geneva Conventions of 12 August 1949 and of the first Protocol additional to those Conventions, of 8 June 1977, relating to the protection of victims of international armed conflicts, to which instruments both of them are parties".

The Court then points out that it "does not automatically have jurisdiction over legal disputes between States" and that "one of the fundamental principles of its Statute is that it cannot decide a dispute between States without the consent of those States to its jurisdiction". Moreover it cannot indicate provisional measures without its jurisdiction in the case being established prima facie.

Jurisdiction of the Court

With regard to its jurisdiction, the Court observes that, in accordance with Article 36, paragraph 2, of the Statute, the Congo (then Zaire), by means of a declaration dated 8 February 1989, recognized the compulsory jurisdiction of the Court in relation to any State accepting the same obligation; that Rwanda on the other hand has not made such a declaration; that the Court accordingly will consider its prima facie jurisdiction solely on the basis of the treaties and conventions relied upon by the Congo pursuant to Article 36, paragraph 1, of the Statute, providing: "The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."

The Convention against Torture

The Court notes that the Congo has been a party to that Convention since 1996, but that Rwanda stated that it is not, and has never been, party to the 1984 Convention against Torture. The Court finds that such is indeed the case.

The Convention on Racial Discrimination

The Court first notes that both the Congo and Rwanda are parties to the Convention on Racial Discrimination; that however Rwanda's instrument of accession to the Convention includes a reservation reading as follows: "The Rwandese Republic does not consider itself as bound by article 22 [the dispute settlement clause] of the Convention." It also notes that in the present proceedings the Congo has challenged the validity of that reservation. The Court observes that the Convention on Racial Discrimination prohibits reservations incompatible with its object and purpose; that under Article 20, paragraph 2, of the Convention, "[a] reservation shall be considered incompatible . . . if at least two-thirds of the States Parties to this Convention object to it"; that such has not been the case in respect of Rwanda's reservation concerning the jurisdiction of the Court; that that reservation does not appear incompatible with the object and purpose of the Convention; and that the Congo did not object to that reservation when it acceded to the Convention. The Court concludes that Rwanda's reservation is prima facie applicable.

The Genocide Convention

The Court first notes that both the Congo and Rwanda are parties to the Genocide Convention; that however Rwanda's instrument of accession to the Convention, includes a reservation worded as follows: "The Rwandese Republic does not consider itself as bound by article IX [the dispute settlement clause] of the Convention." It also notes that in the present proceedings the Congo has challenged the validity of that reservation. The Court observes "that the rights and obligations enshrined by the Convention are rights and obligations *erga omnes*" and that, as it already had occasion to point out, "the *erga omnes* character of a norm and the rule of consent to jurisdiction are two different things" and that it does not follow from the mere fact that rights and obligations *erga omnes* are at issue in a dispute that the Court has jurisdiction to adjudicate upon that dispute. The Court then takes note of the fact that the Genocide Convention does not prohibit reservations; that the Congo did not object to Rwanda's reservation when it was made; and that that reservation does not bear on the substance of the law, but only on the Court's jurisdiction. The Court finds that that reservation therefore does not appear contrary to the object and purpose of the Convention.

The Vienna Convention on the Law of Treaties

The Court considers that Article 66 of the Vienna Convention on the Law of Treaties must be read in conjunction with Article 65, entitled "Procedure to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty". It observes that the Congo does not maintain at the present time that there is a dispute, which could not be resolved under the procedure prescribed in Article 65 of the Vienna Convention, between it and Rwanda concerning a conflict between a treaty and a peremptory norm of international law; and that the object of Article 66 is not to allow for the substitution of the judicial settlement, arbitration and conciliation procedures under the Vienna Convention on the Law of Treaties for the settlement machinery for disputes relating to the interpretation or application of specific treaties, notably when a violation of those treaties has been alleged.

The Convention on Discrimination against Women

The Court first notes that both the Congo and Rwanda are parties to the Convention on Discrimination against Women. It then considers that at this stage in the proceedings the Congo has not shown that its attempts to enter into negotiations or undertake arbitration proceedings with Rwanda concerned the application of Article 29 of the Convention on Discrimination against Women; and that neither has the Congo specified which rights protected by that Convention have allegedly been violated by Rwanda and should be the object of provisional measures. The Court concludes that the preconditions on the seisin of the Court set by Article 29 of the Convention therefore do not appear prima facie to have been satisfied.

The WHO Constitution

The Court first notes that both the Congo and Rwanda are parties to the WHO Constitution and that both are thus members of that Organization. The Court considers however that at this stage in the proceedings the Congo has also not shown that the preconditions on the seisin of the Court set by Article 75 of the WHO Constitution have been satisfied; and that moreover an initial examination of that Constitution shows that Article 2 thereof, relied on by the Congo, places obligations on the Organization, not on the member States.

The Unesco Constitution

The Court notes that in its Application the Congo invokes Article I of the Constitution and maintains that "[o]wing to the war, the Democratic Republic of the Congo today is unable to fulfil its missions within Unesco . . .". It take notes of the fact that both the Congo and Rwanda are parties to the Unesco Constitution.

The Court observes however that Article XIV, paragraph 2, provides for the referral, under the conditions established in that provision, of disputes concerning the Unesco Constitution only in respect of the interpretation of that Constitution; that that does not appear to be the object of the Congo's Application; and that the Application does not therefore appear to fall within the scope of that Article.

The Montreal Convention

The Court first notes that both the Congo and Rwanda are parties to the Montreal Convention. It considers that the Congo has not however asked the Court to indicate any provisional measure relating to the preservation of rights which it believes it holds under the Montreal Convention; and that accordingly the Court is not required, at this stage in the proceedings, to rule, even on a prima facie basis, on its jurisdiction under that Convention nor on the conditions precedent to the Court's jurisdiction contained therein.

Conclusions

The Court concludes that it follows from the preceding considerations taken together that the Court does not in the present case have the prima facie jurisdiction necessary to indicate those provisional measures requested by the Congo.

*

However, the findings reached by the Court in the proceedings concerning the request for the indication of provisional measures in no way prejudge the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application, or relating to the merits themselves; and they leave unaffected the right of the Governments of the Congo and of Rwanda to submit their arguments in respect of those questions; in the absence of a manifest lack of jurisdiction, the Court finds that it cannot grant Rwanda's request that the case be removed from the List.

*

The Court finally recalls that

> "there is a fundamental distinction between the question of the acceptance by a State of the Court's jurisdiction and the compatibility of particular acts with international law; the former requires consent; the latter question can only be reached when the Court deals with the merits after having established its jurisdiction and having heard full legal arguments by both parties".

It underlines that whether or not States accept the jurisdiction of the Court, they remain in any event responsible for acts attributable to them that violate international law; that in particular they are required to fulfil their obligations under the United Nations Charter; that the Court cannot but note in this respect that the Security Council has adopted a great number of resolutions concerning the situation in the region, in particular resolutions 1234 (1999), 1291 (2000), 1304 (2000), 1316 (2000), 1323

(2000), 1332 (2000), 1341 (2001), 1355 (2001), 1376 (2001), 1399 (2002) and 1417 (2002); that the Security Council has demanded on many occasions that "all the parties to the conflict put an . . . end to violations of human rights and international humanitarian law"; and that it has *inter alia* reminded "all parties of their obligations with respect to the security of civilian populations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949", and added that "all forces present on the territory of the Democratic Republic of the Congo are responsible for preventing violations of international humanitarian law in the territory under their control". The Court stresses the necessity for the Parties to these proceedings to use their influence to prevent the repeated grave violations of human rights and international humanitarian law which have been observed even recently.

*

Operative paragraph (para. 94):

"For these reasons,

THE COURT,

(1) By fourteen votes to two,

Rejects the request for the indication of provisional measures submitted by the Democratic Republic of the Congo on 28 May 2002;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Judge* ad hoc Dugard;

AGAINST: *Judge* Elaraby; *Judge* ad hoc Mavungu;

(2) By fifteen votes to one,

Rejects the submissions by the Rwandese Republic seeking the removal of the case from the Court's List.

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mavungu;

AGAINST: *Judge* ad hoc Dugard."

*

Judges Koroma, Higgins, Buergenthal and Elaraby appended declarations to the Order of the Court; Judges *ad hoc* Dugard and Mavungu appended separate opinions.

II. APPLICATION OF THE STATUTE AND RULES OF COURT

1. Organization of the Court

(a) Election and installation of a new Member of the Court

(Statute, Arts. 13, para. 4, 14, 15 and 20; Rules, Arts. 2, para. 2, 3 and 4)

A judge having resigned during the period under review, the General Assembly and the Security Council held on 12 October 2001 an election to fill the resulting vacancy for the remainder of the term which will end on 5 February 2006 (see above, p. 13).

The newly elected judge made the solemn declaration required by the Statute and the Rules of Court at a public sitting that the Court held on 27 November 2001.

(b) *The Presidency*

(Statute, Art. 48; Rules, Arts. 13, 31, 44, 74, para. 3, 79, 80 and 99, para. 2)

In the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, the President of the Court extended, at the request of Bosnia and Herzegovina and taking into account the views expressed by Yugoslavia, the time-limit for the filing, by the respondent State, of the written observations referred to in Article 99, paragraph 2, of the Rules of Court on the admissibility of the application for revision. This decision was communicated to the Parties by letters.

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* the President of the Court made an Order whereby he placed on record the withdrawal by Yugoslavia of its counter-claims (see above, p. 224).

In the case concerning *Certain Property (Liechtenstein* v. *Germany)* the President fixed by Order the time-limit for the filing by Liechtenstein of a written statement of its observations and submissions on the preliminary objections raised by Germany (see above, p. 279).

In the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the President, acting pursuant to Article 74, paragraph 3, of the Rules of Court, fixed the opening date of the oral proceedings on the Congo's request for the indication of provisional measures (see above, p. 284).

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, the Vice-President of the Court, Acting President, taking into account the agreement of the Parties, made an Order authorizing the submission of an additional pleading relating solely to the counter-claim submitted by the United States of America and fixing the time-limit for the filing of the above-mentioned pleading (see above, p. 214).

On several occasions the President and the Vice-President convened meetings with the Agents and Parties in cases pending before the Court in order to ascertain the views of those Parties with regard to questions of procedure.

(c) *Non-participation of a judge in a case*

(Statute, Arts. 13, para. 3, 23, para. 3; Rules, Arts. 20, para. 2, and 33)

The Member of the Court who resigned, as referred to above under *(a)*, did not take part in the deliberation and the final vote in the phase of the proceedings concerning the Philippines' Application for permission to intervene in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* even though he had participated in the hearings. His successor, as well as another Member of the Court who had not taken part in the hearings for serious reasons duly explained to the President, did not participate in the making of the decision of the Court on this application.

The newly elected judge referred to above under *(a)* did not participate in the deliberation and final vote in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*.

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, a Member of the Court did not take part in the hearings on the merits for serious reasons he duly explained to the President of the Court. Another Member of the Court was absent up to the second round of oral arguments of Nigeria. Three other Members were unable to attend certain hearings as well.

In the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, four Members of the Court were absent during some of the hearings on the merits for serious reasons duly explained to the President.

In the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)* a Member of the Court did not take part in the hearings concerning the Congo's request for the indication of provisional measures for serious reasons he duly informed the Court of. Consequently, he did not participate in the making of the decision of the Court on this request. Two other Members of the Court were unable to attend all of the hearings, but have taken part in the deliberation and final vote.

(d) *Judges* ad hoc

(Statute, Arts. 20 and 31; Rules, Arts. 4, 8 and 35)

The judge *ad hoc* originally chosen by Bosnia and Herzegovina in the case concerning *Application of the Convention on the Prevention and*

Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Yugoslavia*) resigned on 22 February 2002 (see Practice Direction VII).

In the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* both Parties exercised their right to choose a judge *ad hoc*. The judge *ad hoc* chosen by Bosnia and Herzegovina resigned on 9 April 2002.

The judge *ad hoc* originally chosen by Liechtenstein in the case concerning *Certain Property (Liechtenstein* v. *Germany)* resigned on 25 April 2002 (see Practice Direction VII).

In the case concerning *Maritime Delimination between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)* both Parties exercised their right to choose a judge *ad hoc*.

In the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* Colombia exercised its right to choose a judge *ad hoc*.

In the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)* both Parties exercised their right to choose a judge *ad hoc*. The two judges *ad hoc* chosen by the Congo and Rwanda in the case made the solemn declaration required by the Statute and Rules of Court at the opening of the hearings on the Congo's request for the indication of provisional measures.

(e) *Chamber of Summary Procedure*

(Statute, Art. 29)

During the period under review the Court composed a Chamber of Summary Procedure, consisting of five judges and two substitute judges (see above, Chap. I, p. 23).

(f) *Chamber for Environmental Matters*

(Statute, Art. 36; Rules, Arts. 16 and 18)

Following the resignation of the judge referred to above under *(a)* the Court elected his successor to replace him in the Chamber for Environmental Matters. The current mandate of the Chamber, consisting of seven members, ends in February 2003 (see above, Chap. I, p. 23).

2. Jurisdiction of the Court

(a) *General*

(Statute, Arts. 36 and 38)

In its Judgment of 23 October 2001 on the Philippines' Application for permission to intervene in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the Court found that the application could not be granted. Earlier it had considered the objections based on the absence of a jurisdictional link between the Philippines and the Parties to the main proceedings and found that the latter did not present a bar to the Philippine intervention. With regard to the considerations of the Court on this matter see above p. 243.

By an Order of 29 November 2001 on Uganda's counter-claims in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Court noted that

> "the Congo [did] not deny that Uganda's claims fulfil[led] the 'jurisdictional' condition laid down in paragraph 1 of Article 80 of the Rules of Court; [that] it contend[ed], however, that those claims [were] inadmissible as counter-claims because they [did] not fulfil the other conditions set out in that provision".

After considering the counter-claims, the Court found that the first two were admissible as such and formed part of the current proceedings, but that this was not the case for the third counter-claim.

By its Order of 10 July 2002 on the Congo's request for the indication of provisional measures in the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the Court rejected the above-mentioned request, but it also rejected Rwanda's submissions seeking the removal of the case from the Court's List. With regard to the considerations that the Court made about the ascertainment of its jurisdiction prima facie, see above pp. 285-288.

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*, after the respondent Party had filed on 11 May 2001 a document entitled "Initiative to the Court to reconsider *ex officio* jurisdiction over Yugoslavia", the applicant Party transmitted by a letter of 3 December 2001 a Memorandum "on differences between the Application for Revision of 23 April 2001 [of the Court's Judgment of 11 July 1996 on Preliminary Objections (see above, p. 222)] and the 'Initiative' of 4 May 2001".

(b) *Declaration recognizing as compulsory the jurisdiction of the Court*

(Statute, Art. 36, paras. 2 and 3)

In its Judgment of 14 February 2002 in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*, the Court rejected the preliminary objections raised by Belgium relating to jurisdiction, mootness and admissibility. With regard to the considerations of the Court on this matter, see above, pp. 266-268.

(c) *Preliminary objections*

(Statute, Arts. 36, para. 6; Rules, Arts. 31, 79, paras. 1 and 5)

In the case concerning *Certain Property (Liechtenstein* v. *Germany)*, Germany raised certain preliminary objections of lack of jurisdiction and inadmissibility. The objections were submitted within a time-limit of three months starting from the date of filing of the Memorial of the applicant Party, in accordance with Article 79, paragraph 1, of the Rules of Court in the version applicable since 1 February 2001. Pursuant to Article 79, paragraph 5, of the Rules of Court, the procedure on the merits was suspended. Having consulted the Parties in accordance with Article 31 of the Rules of Court, the President of the Court, by an Order of 12 July 2002, fixed the time-limit for the filing by Liechtenstein of a written statement of its observations and submissions on those preliminary measures.

3. *Contentious Procedure*

During the period under review, the Court issued Practice Directions for the use of States appearing before it (see above, pp. 3-5). These Directions, which entered into force in October 2001, supplement the Rules of Court and involve no alteration to them.

(a) *Institution of proceedings*

(Statute, Art. 40; Rules, Arts. 38, 39 and 42)

In the cases concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* and *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, proceedings were instituted by means of an Application. The Registrar proceeded with the requisite communications, in conformity with the Statute and the Rules of Court.

In the case concerning the *Frontier Dispute (Benin/Niger)*, proceedings were instituted by the joint notification of a Special Agreement. The Registrar also proceeded with the requisite communications, in conformity with the Statute and the Rules of Court.

With regard to the considerations the Court made concerning Congo's Application in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)* in its Judgment of 14 February 2002, see above, pp. 266-268.

(b) *Number of pleadings and fixing or extension of time-limits*

(Statute, Arts. 43, 48 and 62; Rules, Arts. 31 and 83)

In the Order issued in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* on the admissibility of counter-claims brought by the respondent Party, the Court authorized the Parties to present additional pleadings on their respective claims in the case and fixed the time-limit for the filing of these pleadings.

The Court also fixed the time-limits for the filing of the Memorial of the applicant Party and the Counter-Memorial of the respondent Party in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*.

In each of the cases concerning *Legality of Use of Force (Yugoslavia* v. *Belgium) (Yugoslavia* v. *Canada) (Yugoslavia* v. *France) (Yugoslavia* v. *Germany) (Yugoslavia* v. *Italy) (Yugoslavia* v. *Netherlands) (Yugoslavia* v. *Portugal) (Yugoslavia* v. *United Kingdom)*, the Court again extended the time-limit for the filing of the applicant Party's written statement of its observations and submissions on the preliminary objections submitted by the respondent Party.

In the case concerning *Maritime Delimination between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*, the Court, taking into account the views of the Parties and the circumstances of the case, has authorized the filing of a Reply by the applicant Party and of a Rejoinder by the respondent Party. It also fixed the time-limits for the filing of these additional pleadings.

With regard to the fixing of time-limits by the President and the Vice-President of the Court, see above p. 290, para. 1 *(b)*).

(c) *Filing of pleadings*

(Rules, Art. 50)

In the case concerning *Certain Property (Liechtenstein* v. *Germany)* the Memorial of the applicant Party was filed within the prescribed time-limit. The respondent Party raised certain preliminary objections of lack of jurisdiction and inadmissibility (for the preliminary objections, see above p. 293, para. 2 *(c)*).

In the following cases the Counter-Memorial of the respondent Party was filed within the time-limit fixed or extended: *Maritime Delimination between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)* and *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*.

In each of the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)*, the respondent Party filed its Rejoinder within the time-limit fixed by the President of the court.

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the applicant Party filed its Reply within the prescribed time-limit. The respondent Party, taking into account the views of the applicant Party as submitted, filed its written observations on the admissibility of the counter-claims formulated in its Counter-Memorial within the time-limit fixed by the President of the Court. The applicant Party thereupon submitted comments on those written observations and indicated that it would fully hold itself at the disposal of the Court to advance its arguments in oral pleadings, that the Court might deem opportune. The respondent Party pointed out that those new comments had not been requested by the Court and that they had been submitted without authorization. It therefore reserved its position. The Court considered that it was sufficiently well informed of the positions of the Parties about the admissibility of the counter-claims of the respondent Party and that no hearings appeared necessary.

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, the applicant Party filed within the time-limit fixed by the Vice-President of the Court, Acting President, an additional pleading relating solely to the counter-claim submitted by the respondent Party.

Finally, in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, the respondent Party filed, within the time-limit extended by the President of the Court, its written observations relating to the admissibility of the Application mentioned above, as referred to in Article 99, paragraph 2, of the Rules of Court.

Certified copies of all these pleadings were communicated to the other Party in each of the cases.

In the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*, the respondent Party filed on 21 March 2002, besides its Counter-Memorial, additional documents to which it had referred in its Counter-Memorial but which were only produced as Annexes to the latter. A collection of these additional documents was transmitted to the Agent of Nicaragua. At a meeting of 5 June 2002 with the President of the Court, the Parties agreed that Honduras would inform the Registry, within the three weeks following, which documents it intended to produce as Annexes to its Counter-Memorial. On 13 September 2002 at the latest, Honduras would file in the Registry 125 copies of the documents thus selected, which should be considered as Annexes to its Counter-Memorial pursuant to Article 50 of the Rules of Court. In conformity with Article 51, paragraph 3, of the Rules of Court, Honduras would in addition provide translations, in English or French, of documents that were not drafted in one of the two official languages of the Court.

(d) *Presentation of new documents*

(Statute, Art. 52; Rules, Art. 56)

In the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*, the respondent Party, referring to paragraph 2.15 of its Rejoinder, submitted to the Court by letter dated 15 March 2002 the text of the Opinion of 14 March 2002 of the court of appeal on the appeal of Mr. Al Megrahi against his sentence in Zeist as additional Annex No. 130 to its Rejoinder. By a letter of 20 December 2001, the applicant Party, referring to relevant statements in the Respondent's Rejoinder and further contending that the latter was "using new documents as a basis for unfounded assertions", reserved its right to present its observations and to submit documents in support thereof.

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, the applicant Party wished to file new documents after the closure of the written pleadings. The Court, after ascertaining the views of the other Party, decided not to authorize the production of those documents, with the exception of those relating to events occurring after the deposit of the Reply of the respondent Party. The Court also decided to authorize the respondent Party, if it wished, to file documents in response to the new documents produced by the applicant Party and to present its observations relating to those in the oral proceedings.

On the opening of the second round of oral proceedings on the request for the indication of provisional measures in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the applicant Party filed new documents. After a meeting had been held between the President of the court and the Parties, the applicant Party, however, decided to withdraw those documents before the second round of pleadings of the respondent Party.

(e) *Availability of pleadings to States entitled to appear before the Court*
(Rules, Art. 53, para. 1)

In the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, copies of the pleadings and the documents annexed thereto have been made available to a State entitled to appear before the Court (see above, p. 277).

In the case concerning *Certain Property (Liechtenstein* v. *Germany)*, a State entitled to appear before the Court asked to be furnished with copies of the pleadings and documents annexed thereto. After ascertaining the views of the Parties, the President of the Court decided that it was not appropriate to grant that request.

(f) *Accessibility of pleadings to the public*
(Rules, Art. 53, para. 2)

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, the Court, after ascertaining the views of the Parties, decided to make the pleadings and the documents annexed thereto accessible to the public on the opening of the oral proceedings. After the Court had consulted the Parties and Equatorial Guinea, it decided to do the same in relation to the written statement of the intervening State and the written observations of both Parties on that statement.

In the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the Court, after ascertaining the views of the Parties, also decided to make accessible to the public the pleadings and the documents annexed thereto on the opening of the oral proceedings.

(g) *Oral proceedings*

(Statute, Arts. 43, 45 and 46; Rules, Arts. 54, 58 and 59)

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, both Parties and the intervening State were heard in the Order fixed by the Court. The first series of hearings, in which only the parties took part, consisted of two rounds of oral argument. The second series of hearings, devoted to the intervention, in which both Parties and the intervening State took part, also consisted of two rounds of oral argument. By a letter of 8 January 2002, the applicant Party informed the Court of its desire to answer orally, be it only briefly, to the observations that the respondent Party formulated in its last round of oral arguments on the subject of the counter-claims, which it had presented. The respondent Party was duly informed of this request. The Court decided to grant this request.

The hearings in the case concerning *Sovreignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* consisted of two rounds of oral argument, in which both parties participated. The Parties had previously indicated to the President of the Court their agreement to propose to the Court that Indonesia would speak first, provided that this choice in no way implied that this State could be regarded as applicant State or Malaysia as respondent State, and that this did not affect any question concerning the burden of proof. The Court had established the schedule of the hearings, taking account of the views of the Parties.

The Court also held two series of hearings on the request for the indication of provisional measures by the applicant Party in the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)* (see below, p. 299 (*k*)).

(h) *Questions by judges*

(Statute, Art. 45; Rules, Arts. 61 and 72)

During the hearings in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, a Member of the Court put questions to both parties. Two Members of the Court only posed questions to the respondent Party. The replies to these questions were given orally and in writing. Each of the Parties also submitted written observations on the replies which the other Party had furnished in writing, in accordance with Article 72 of the Rules of Court.

(i) *Evidence: showing of maps and projection of transparencies*

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)* and in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the Parties showed enlargements of maps and sketch-maps in the form of transparencies. Those maps and sketch-maps were already included in the file submitted to the Court. The Members of the Court were also provided with reproductions of the maps and sketch-maps, in order to facilitate their following the argument.

(j) *Final submissions*
(Rules, Art. 60, para. 2)

In the second round of oral arguments in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, the Agents of both Parties read the final submissions of their Governments, which were also submitted in writing. The intervening State made a final presentation.

In the second round of oral arguments in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the Agents of both Parties stated the final submissions of their Governments. These final submissions were also submitted in writing.

In the second round of oral arguments on the request for the indication of provisional measures in the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the applicant Party confirmed its request, while the respondent Party asked to dismiss it.

(k) *Provisional measures*
(Statute, Arts. 41 and 48; Rules, Arts. 73 and 74)

In the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the applicant Party submitted a request for the indication of provisional measures on the same day on which the Application was filed (see above, p. 284). The Registrar proceeded immediately with the required transmittals. Public hearings on the request at which both parties presented oral observations were held two weeks later. One month after those hearings the Court made an Order in which it rejected the request for the indication of provisional measures, but in which it also rejected the submissions of the respondent Party for the case to be removed from the List.

(l) *Counter-claims*
(Rules, Art. 80)

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*, the respondent Party informed the Court that it intended to withdraw its counter-claim as submitted in its Counter-Memorial. The President of the Court, taking into account that the applicant Party had no objection, placed this withdrawal on record by an Order.

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Court declared admissible two of the three counter-claims made by the respondent Party in its Counter-Memorial. The Court prescribed the filing of a Reply of the applicant Party and of a Rejoinder of the respondent Party relating to the submissions of both Parties and fixed the time-limit for the filing of these pleadings.

(m) *Intervention*

(Statute, Art. 62)

In the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the Court stated that the request for permission to intervene could not be admitted. With regard to the considerations of the Court on this matter, see above, pp. 241-250.

(n) *Separate and dissenting opinions and declarations*

(Statute, Art. 57; Rules, Art. 95, para. 2)

In the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, one Member of the Court appended a dissenting opinion to the Judgment of the Court. Another judge and both judges *ad hoc* appended separate opinions. Two judges also appended declarations to the Judgment.

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, one judge *ad hoc* appended a declaration to the Order relating to the counter-claims of the respondent Party.

In the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*, the President, two judges and one judge *ad hoc* appended their separate opinions to the Judgment of the Court. Three judges appended a joint separate opinion. Two judges and one judge *ad hoc* appended a joint dissenting opinion. One judge appended a declaration to the Judgment.

In the case concerning *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo* v. *Rwanda)*, four judges appended declarations to the Order on the applicant Party's request for the indication of provisional measures. Both judges *ad hoc* appended separate opinions.

(o) *Reading of the decision of the Court*

(i) *Judgments*

(Statute, Art. 58; Rules, Art. 94)

The Judgment of the Court on the request for permission to intervene made by a third State in the case concerning *Sovereignty over Pulau*

Ligitan and Pulau Sipadan (Indonesia/Malaysia), was read at a public sitting; in view of the length of the text the President omitted or summarized certain passages.

The same applied to the Judgment in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*.

(ii) *Order*

The Order on the request for the indication of provisional measures in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, was also read by the President, at a public sitting.

(p) *Revision*
(Statute, Art. 61; Rules, Arts. 99 and 100)

In the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, the respondent Party filed, within the time-limit extended by the President of the Court, written observations relating to admissibility of this Application, as referred to in Article 99, paragraph 2, of the Rules of Court.

III. MUSEUM OF THE COURT

On 17 May 1999, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, inaugurated the Museum of the International Court of Justice (and of the other institutions in the Peace Palace) situated in the south wing of the Peace Palace.

Its collection presents an overview of the theme "Peace through Justice", highlighting the history of the Hague Peace Conferences of 1899 and 1907; the creation at that time of the Permanent Court of Arbitration; the consequent construction of the Peace Palace as a seat for International Justice; and the Permanent Court of International Justice and the present Court (the genesis of the United Nations; the Court, and its Registry; the attire of the judges; the Bench at present; the provenance of judges and cases; the procedure of the Court; the world's legal systems; the case-law of the Court; prominent visitors).

IV. VISITS

A. *Official Visits of Heads of State*

Visit of Their Majesties King Juan Carlos and Queen Sofia of Spain

On 24 October 2001, Their Majesties the King and the Queen of Spain were received by the Court. At a solemn sitting organized in the Great

Hall of Justice and attended by the diplomatic corps and representatives of the Dutch authorities, the Permanent Court of Arbitration, the International Criminal Tribunal for the former Yugoslavia (ICTY), the Iran-United States Claims Tribunal and other international institutions located in The Hague, the President of the Court made a speech, to which the King of Spain replied.

President Guillaume recalled the contribution of Spain, the cradle of a brilliant civilization, to the development of the international law and justice. "Spain can take pride in including among its sons some of the thinkers who presided over the birth of present-day international law", the President of the Court stressed, citing the names of Francisco de Vitoria, Domingo de Soto and Francisco Suárez, all scholars who "were the first to attempt to set the limits of action" of modern States. President Guillaume hailed "Spain's leading role" in the development of arbitration and its steadfast commitment to the International Court of Justice and its predecessor, the Permanent Court of International Justice. Spain accepted the compulsory jurisdiction of the Permanent Court as early as 1928 and the two institutions have enjoyed the support of many renowned Spanish jurists, including Rafael Altamira y Crevea, Julio López Oliván, Federico de Castro y Bravo and Santiago Torres Bernárdez. Furthermore, President Guillaume stated, Spain has been a party to several contentious cases, *inter alia* that of the *Barcelona Traction, Light and Power Company Ltd.*, which solution left its mark on the ICJ jurisprudence.

For his part, the King of Spain stated that his presence at the Peace Palace, on the day of the commemoration of the 56th anniversary of the entry into force of the Charter of the United Nations, "not only attest[ed] Spain's confidence in the Court", but constituted also "a reassertion of the principles and values which inspire [his country's] foreign action: peace, freedom, human rights and co-operation to the development". Emphasizing that the Court is "the universal judicial institution by excellence and a true historical acquisition for the international society", the King stressed that endeavours should be made to convince a larger number of States to accept the compulsory jurisdiction of the Court "in order to ensure a stronger respect by [those same] States of their international obligations and to obtain a broader guarantee that disputes and tensions will be solved by peaceful means". "Peace", King Juan Carlos further said, "should be a way of life rather than a longing and because of this it represents the highest conquest for States and mankind." "The Court, which stands as a symbol for this peace, should be perceived by nations as a guide and a source of inspiration in their actions vis-à-vis other peoples and nations of the world", he concluded.

Visit of the Prime Minister of Romania

On 26 February 2002, H.E. Mr. Adrian Nastase, Prime Minister of Romania, was received by the Court at a private meeting of the Court, held in its Deliberation Room. President Guillaume made a speech, welcoming Prime Minister Nastase and giving a short explanation of the Court's pending cases and the new working methods which the Court adopted to accelerate the handling of cases brought before it. He was followed by Judge Herczegh, who gave a speech on questions concerning Central and Eastern Europe which have been dealt with by the Court and its predecessor, the Permanent Court of International Justice.

The Romanian Prime Minister then addressed the Court, referring to the fundamental role of international law and justice in relations between States, a role having become pre-eminent today. He expressed his great confidence in the Court's capacity to settle peacefully disputes between States, in Central and Eastern Europe as in other regions of the world.

B. Other Visits

During the period under review the President and Members of the Court, the Registrar and officials of the Registry received further a great number of visits of, *inter alia*, members of government, diplomats, parliamentary delegations, presidents and members of judicial bodies, as well as other high officials. A great number of groups of scholars and academics, lawyers and legal professionals, as well as others, were also received.

V. ADDRESSES, LECTURES AND PUBLICATIONS ON THE WORK OF THE COURT

During the period under review, the President of the Court made a declaration to the press after the reading of the Judgment in the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)*; the purpose of his declaration was to explain the Court's Judgment. The President also provided explanations to the press on 10 and 11 July 2002, with respect to the Order rendered by the Court in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, following the Congo's request for the indication of provisional measures.

The President, in his official capacity, addressed the United Nations International Law Commission on 15 August 2001, during its fifty-third session (second part), which was held at Geneva. He did the same on 30 July 2002. On 29 October 2001, the President also made a declaration before the United Nations Security Council, in a private session, regarding methods of co-operation between the Court and the Security Council. On the same day he spoke at an official meeting of the Legal Advisers to Ministers for Foreign Affairs of the United Nations Member States. On 30 October 2001, he made a declaration at the 32nd plenary meeting of the fifty-sixth session of the General Assembly at the occasion of the presentation of the Court's Annual Report, and on 31 October 2001 he addressed the Sixth Committee of the General Assembly on the law governing the delimitation of maritime areas.

In order to promote better understanding of the Court and its role within the United Nations, the President, Members of the Court, the Registrar and members of the Registry staff gave a large number of speeches and presentations, at a wide range of venues: the Catholic University of Louvain (Belgium); the Académie nationale de l'Air et de l'Espace, the Institut des Droits de l'homme in Strasbourg, the Société d'histoire générale et d'histoire diplomatique, the Université Montesquieu in Bordeaux and the Universities of Nice (Hofstra Law School Conference), of Paris I and Paris XI (France); the Institute of Air and Space Law at the University of Cologne (Germany); the XVIth Congress of the Académie internationale de droit comparé at the colloquium organized by the Institute for Judicial Administration of New York University in Florence and the Institut du droit humanitaire in San Remo (Italy); the Permanent Court of Arbitration, the University of Leiden and UNITAR (Netherlands); the Moscow University of Friendship of Peoples (Russia); the Diplomatic Institute of the Kingdom of Saudi Arabia and the University of Djedda (Saudi Arabia); the University of Geneva (Switzerland); the European Law Foundation, the School of Oriental and African Studies, and the Universities of Cambridge, London and Oxford (United Kingdom); the American Bar Association (Section on International Law and Practice), the United Nations Association of Greater New York, the University of Columbia, George Washington University, New York University, Pennsylvania State University (Dickenson Law School) and Villanova University (United States of America), etc.

The subjects that were covered include, in particular, the Court, its role within the United Nations system and in international relations, the working methods of the Court, its case law, as well as the new challenges which the Court faces with respect to the judicial settlement of international disputes.

VI. REPORT AND REPRESENTATION OF THE COURT AT THE GENERAL ASSEMBLY

On the occasion of the fifty-sixth session of the General Assembly, the Court submitted a report on its activities covering the period from 1 August 2000 to 31 July 2001 (A56/4). This report was divided into an introductory summary and ten further chapters, relating to the organization, jurisdiction and judicial work of the Court, visits, lectures, the Court's publications and documents and administrative and budgetary issues. The General Assembly took note of the report at its 32nd plenary meeting held on 30 October 2001.

On that occasion the President, who, with the Registrar, represented the Court at the fifty-sixth session of the General Assembly, addressed that body on the role and functioning of the Court (A/56/PV.32). The full text of the address is reproduced in the Appendix to this Chapter (see below pp. 308-313). Following the presentation of the Court's report by its President, the representatives of Peru, Costa Rica, Malaysia, Singapore, Mexico, Sierra Leone, Nigeria, China, Spain, Japan, the Russian Federation, the Republic of Korea and Cameroon made statements. Those Members of the Court who were present in New York also attended part of the fifty-sixth session of the General Assembly.

A report dealing with the period 1 August 2001 to 31 July 2002 will be submitted on the occasion of the fifty-seventh session of the General Assembly (A/57/4).

VI. APPLICATIONS FROM PRIVATE PERSONS

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 2001 and 31 July 2002 the Court received approximately 2,000 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

1. ACTION PURSUANT TO ADVISORY OPINIONS OF THE COURT

The present heading contains the information received in the Registry between 1 August 2001 and 31 July 2002 concerning action taken pursuant to certain Advisory Opinions of the Court. The Registry, which does not take the initiative of seeking such information, publishes it without comment as and when it is received and can accept no responsibility in connection with it.

Legality of the Threat or Use of Nuclear Weapons

By a note dated 15 October 1996 the Secretary-General of the United Nations transmitted the text of the Advisory Opinion given by the Court on 8 July 1996 to the General Assembly (United Nations doc. A/51/218)[1].

At the 79th plenary meeting of its fifty-first session, held on 10 December 1996, the General Assembly adopted resolution 51/45 M, at the 67th plenary meeting of its fifty-second session, held on 9 December 1997, resolution 52/38 O, at the 79th plenary meeting of its fifty-third session, held on 4 December 1998, resolution 53/77 W, and at the 69th plenary meeting of its fifty-fourth session, held on 1 December 1999, resolution 54/54 Q, the full texts of which are reproduced in *I.C.J. Yearbook 1996-1997*, pp. 205-206, *I.C.J. Yearbook 1997-1998*, pp. 286-288, *I.C.J. Yearbook 1998-1999*, pp. 313-315 and *I.C.J. Yearbook*

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[1] See *I.C.J. Yearbook 1995-1996*, pp. 212-223.

1999-2000, pp. 278-280, respectively. At the 69th plenary meeting of its fiftieth session, held on 20 November 2000, the General Assembly adopted resolution 55/33 X, the full text of which is reproduced in *I.C.J. Yearbook 2000-2001*, pp. 317-319. At the 68th plenary meeting of its fifty-sixth session, held on 29 November 2001, the General Assembly adopted resolution 56/24 S, the full text of which is reproduced below:

"Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999 and 55/33 X of 20 November 2000,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Welcoming the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons, *Noting* the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral agreements or arrangements and unilateral decisions, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

Stressing the importance of strengthening all existing nuclear-related disarmament, arms control and reduction measures,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2001 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

Taking note of the relevant portions of the note by the Secretary-General relating to the implementation of resolution 55/33 X,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;
2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations in 2002 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;
3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-seventh session;
4. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*." *[Footnotes not reproduced.]*

2. THE ROLE AND FUNCTIONING OF THE COURT

At the 32nd meeting of the fifty-sixth session of the General Assembly, held on 30 October 2001, at which the Assembly took note of the report of the Court for the period from 1 August 2000 to 31 July 2001 (see above, p. 304), the President of the Court, Judge Gilbert Guillaume, gave the following address:

[Translation]

"Mr. President, Excellencies, Ladies, and Gentlemen,

It is an honour for me to address the General Assembly of the United Nations for the second time on the occasion of its examination of the report of the International Court of Justice for the period 1 August 2000 to 31 July 2001.

The fact that your Assembly has, for more than a decade, invited the President of the Court to address it is evidence of the interest it takes in the Court, principal judicial organ of the United Nations, and marks your respect for the role played by the Court in the settlement of disputes between States and in the development of international law. We are extremely grateful to the Assembly for this.

I am particularly pleased to address you today under the distinguished presidency of Mr. Han Seung-soo, Minister for Foreign Affairs and Trade of the Republic of Korea, to whom I offer my warm congratulations on his election. He has my sincerest wishes for every success in his distinguished office.

The Court has, as usual, transmitted its annual report to the Assembly and this report has been circulated to you. It shows that the Court's docket is still extremely full and that it continues to work at an unflagging pace. At the time of speaking, the Court has 22 cases before it for consideration.

These cases come from every continent and touch on an extremely wide range of issues. Three of them are concerned with territorial disputes between neighbouring States: Cameroon and Nigeria, Indonesia and Malaysia, Nicaragua and Honduras. These are complex disputes in which the Court has played, and will continue to play, a prominent role, thereby contributing to the maintenance of international peace and security.

Another classic type of dispute involves cases between States concerning the treatment of foreign nationals. There are two cases in this category, between Guinea and the Democratic Republic of the Congo and between Liechtenstein and Germany.

There are also other cases linked more directly to events which your Assembly or the Security Council have had to examine, such as the destruction of Iranian oil platforms by the United States in 1987 and 1988, the consequences of the explosion in 1992 of an American civil aircraft over Lockerbie in Scotland, the crises in

Bosnia-Herzegovina and Kosovo and the situation in the region of the African Great Lakes.

In the course of the past year the Court has made particular efforts to address this increase in the number of disputes before it. In all it has succeeded in concluding four cases, whilst three new cases were brought to it. On those occasions it delivered important decisions, about which I should now like to speak for a few moments.

In a Judgment rendered on 16 March 2001, the Court began by adjudicating on the merits of a territorial dispute between Qatar and Bahrain. This Judgment brought to a conclusion lengthy proceedings involving the filing by the Parties of more than 6,000 pages of written pleadings, five weeks of oral hearings and a deliberation commensurate with the difficulties which the Court encountered.

The Court found that the State of Bahrain has sovereignty over the Hawar Islands and the island of Qit'at Jaradah. It recognized the sovereignty of the State of Qatar over Zubarah, Janan Island and the low-tide elevation of Fasht al Dibal. In light of these decisions it fixed the boundaries of the different maritime zones appertaining to Bahrain and Qatar and restated the law applicable in this field; it also explained the influence that islands, islets and low-tide elevations may have on maritime delimitations.

The Judgment thus handed down brought an end to a longstanding dispute which had given rise to serious tension between the Parties. Both of them thanked the Court for this contribution to peace in the region and to the restoration of friendly relations between two neighbouring States. The Court took particular pleasure in this and hopes that the wisdom which the two countries displayed in this instance will serve as an example to others.

In the judicial year which has just come to a close a second Judgment was handed down, on 27 June 2001, settling the merits of a dispute between Germany and the United States of America following the execution in the United States of two German nationals. In its decision the Court had occasion to clarify certain provisions of the Vienna Convention on Consular Relations of 24 April 1963. Further, for the first time in its history, the Court took the opportunity to give a clear ruling on the effect of the provisional measures which it has the power to indicate to Parties pursuant to Article 41 of its Statute.

This issue, a delicate one, had been the subject of lively controversy in the literature as to whether or not provisional measures are binding.

By a very large majority, the Court answered this question in the affirmative. It held that:

> 'The object and purpose of the Statute is to enable the Court to fulfil the functions provided for therein and, in particular, the basic function of judicial settlement of international disputes by

> binding decisions in accordance with Article 59 of the Statute. The context in which Article 41 has to be seen within the Statute is to prevent the Court from being hampered in the exercise of its functions because the respective rights of the parties to a dispute before the Court are not preserved. It follows from the object and purpose of the Statute, as well as from the terms of Article 41 when read in their context, that the power to indicate provisional measures entails that such measures should be binding.'

Thus there is no longer any room for doubt: the provisional measures indicated as a matter of urgency by the Court for the purpose of safeguarding the rights of the parties are binding on them. The Court anticipates that in future these measures will as a result be better executed than when the matter was subject to doubt. We hope that the Court's contribution to the maintenance of international peace and security will thereby be enhanced.

Having analysed the two most important rulings handed down by the Court over the last year, I will not go into detail on the other rulings handed down and, in particular, the 32 Orders, ranging widely in content, which have been issued.

However, I should add that, since the report was drafted, the Court has dealt with three further cases. First, on 23 October, it delivered a ruling rejecting an Application by the Philippines for permission to intervene in a territorial dispute between Malaysia and Indonesia, while at the same time taking formal note of the Philippine position. Second, it commenced consideration of a counter-claim submitted by Uganda against the Democratic Republic of the Congo. Third, it held a public hearing in a case between the Democratic Republic of the Congo and Belgium concerning the legality of an international arrest warrant issued a year ago by a Belgian investigating judge against the incumbent Minister for Foreign Affairs of the Congo. Finally, at the beginning of next year it will commence consideration of the dispute between Cameroon and Nigeria, devoting five weeks of public hearings to the case.

Despite these efforts, the Court's docket remains over-burdened. Several cases are ready to be heard during 2002, and solutions will have to be found in order to avoid excessive delays in examining these cases.

The Court has attempted to meet this challenge by rationalizing work within the Registry and by modernizing its working and communication methods. Major progress has been made, notably with regard to publications and communications, Intranet and Internet. However, further progress is needed, for example, in modernizing the Court's archives. The Registry has taken this matter in hand.

The Court has also made efforts to improve its procedures. As regards the preparation of cases, it has sought increased co-operation from the parties in the functioning of justice. In particular, it has again informed them of its desire to see a decrease in the number of pleadings exchanged, in the volume of annexes to pleadings and in the length of oral arguments. The Court's comments have had the desired effect in the new cases brought before it. Thus, in the case between the Democratic Republic of the Congo and Belgium, the Parties agreed to exchange only one series of written pleadings and to limit their oral arguments to one week. However, old habits die hard, and it has been necessary in other cases to impose certain restrictions on the parties in their own interest.

Since 1997, the Court has taken several measures, to which I drew your attention last year, with a view to speeding up its deliberations. It has continued these efforts. The days when our predecessors dealt with cases one at a time are long gone. In the week of 15 October, for example, the Court deliberated on two cases while holding hearings in a third.

Finally, the Court has recently taken various decisions to improve its procedural Rules. By amending Article 79 of its Rules, it has reduced the time-limit within which preliminary objections may be raised. It has revised Article 80 of its Rules in respect of counter-claims and amended Article 52, paragraph 3, concerning the printing of pleadings. It proposes amending Article 56 concerning the production of new documents after the closure of written proceedings. It has carried out a detailed study of the practical issues involved in hearing a large number of witnesses. Finally, it has decided to convert various indications formerly given to parties into true practice directions and has implemented a procedure for reviewing those directions at regular intervals.

However, these various efforts, both administrative and procedural, would not be sufficient in themselves to redress the situation. Accordingly, last year, I appealed to this Assembly to ensure that the Court may in future have the necessary financial and human resources to perform its duties properly.

Being well aware of the financial difficulties of the United Nations, the Court has requested for the coming biennium only a moderate increase in resources. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) has considered our proposals sympathetically. Whilst it has not agreed to all our requests, it has nonetheless recommended to your Assembly a significant increase in our budget from US$20,606,700 for the biennium 2000-2001 to US$22,873,500 for the coming biennium (that is, an increase of 11 per cent). The Court is grateful to the Committee and hopes that these proposals will meet with your agreement.

If that is the case, the staff in the Registry of the International Court of Justice would be increased to 91 persons. This figure, of course, is still modest, but the increase will certainly enable the Court to work under better conditions and achieve improved results in the coming year. In the light of experience, the Court will determine whether these resources, particularly in respect of the translation service and law clerks, are sufficient. In any event, the Assembly can rest assured that, with the new resources at its disposal, the Court will do its utmost to adjudicate the current cases as expeditiously as possible, whilst maintaining the quality of its jurisprudence.

The member States of the United Nations have undertaken, pursuant to Article 33 of the Charter, to seek by peaceful means the solution to any dispute the continuance of which is likely to endanger the maintenance of international peace and security. Article 36, paragraph 3, provides that legal disputes should be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. The Court thus has a prominent role to play in the solution of legal disputes and hence in the maintenance of international peace and security.

However, the progress noted in this respect in recent years should not lead us to harbour the illusion that peace between nations can be assured by appropriate methods for the settlement of legal disputes, or even that it is for the Court to prevent and put an end to armed conflicts. Judges cannot be the sole guarantors of peace. That is a task which depends on the action taken by your Assembly and the Security Council. Furthermore, in addition to these various mechanisms, we should always remain conscious of the fact that war is the creation first and foremost of the human spirit and that security can be achieved only through human endeavour.

Nevertheless, the International Court of Justice can play an important role in preventing conflicts, particularly territorial conflicts, as the experience gained by the Court in all continents demonstrates. In this light, I would particularly wish to encourage States which have such disputes to refer those disputes to the Court by way of special agreement. The Court is aware that certain States in Africa, in Europe and in Asia are considering such action at the present time and it welcomes that fact.

In this connection, I would moreover call your attention to the special fund established by the Secretary-General of the United Nations in 1989 to assist States unable to meet the expenses incurred in submitting a dispute to the Court. In addressing you from this very rostrum, my predecessors were concerned to emphasize the importance of such a fund for countries with limited financial resources. They also encouraged those States which are able to make more generous contributions to this fund to do so by increasing the resources at its disposal. With your permission, I should like to add my voice to theirs and to reiterate this appeal to all the member States of the United Nations that you represent here, and to call upon them to support this fund financially with a view to enabling the poorest States to have easier access to the Court. Access to international justice should not be impeded by financial inequality.

The nineteenth century was the century which saw the development of international law and of arbitration. International judicial settlement was born in the twentieth century with the Permanent Court of International Justice, which in 1945 became the International Court of Justice. Since then, international tribunals have proliferated.

This phenomenon reflects greater confidence in justice and makes it possible for international law to develop in ever more varied spheres. However, it also raises the risk of parties competing for courts – sometimes referred to as forum shopping – and overlapping jurisdiction. Each year, for the last six years, successive Presidents of the Court have called your attention to these risks which on several occasions have since been realized.

I am bound to do so again. The proliferation of international courts may jeopardize the unity of international law and, as a consequence, its role in inter-State relations.

No new international court should be created without first questioning whether the duties which the international legislator intends to confer on it could not be better performed by an existing court. International judges should be aware of the dangers involved in the fragmentation of the law and take efforts to avoid such dangers. However, those efforts may not be enough, and the International Court of Justice, the only judicial body vested with universal and general jurisdiction, has a role to play in this area. For the purpose of maintaining the unity of the law, the various existing courts or those yet to be created could, in my opinion, be empowered in certain cases – indeed encouraged – to request advisory opinions from the International Court of Justice through the intermediary of the Security Council or through the General Assembly.

The international community needs peace. The international community needs courts. It needs courts which declare the law. You can rest assured that, to this end, the International Court of Justice will continue to perform those duties which it currently bears and, that it is ready to fulfil such others as may be entrusted to it. It thanks you for all the assistance that you can give it."

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On 31 October 2001, President Guillaume gave the following address to the Sixth Committee of the General Assembly:

[Translation]

"Mr. Chairman, Ladies and Gentlemen,

It is a privilege and an honour for me to be given this second opportunity to address your Committee in my capacity as President of the International Court of Justice.

Last year I chose to speak to you about a question of ongoing concern to the international legal community: the proliferation of international judicial bodies and its impact on international law. The extensive reaction to that presentation from diplomats, academics, journalists and legal practitioners shows that this concern is widely shared and is cause for much questioning.

There has been no improvement in the situation in this respect since last year. Quite to the contrary: the risks of forum shopping have worsened, as could be seen in connection with the swordfish stocks dispute between Chile and the European Union and the Bluefin Tuna case in which the International Tribunal for the Law of the Sea found that it had prima facie jurisdiction, but the Arbitral Tribunal set up by Australia, Japan and New Zealand ultimately came to the opposite conclusion.

The risks of conflicting case law have also grown and the International Court of Justice has, for example, recently been seised of an Application by Liechtenstein instituting proceedings against Germany concerning a case certain aspects of which have previously been dealt with by the European Court of Human Rights.

I remain convinced that the proliferation of international judicial bodies could jeopardize the unity of international law. I therefore continue to believe that international lawmakers and courts must in the future exercise great caution in this area. I fear, however, that such caution is not enough and that procedures ought possibly to be established to allow the International Court of Justice to rule on such preliminary questions as specialized international courts might wish to submit to it. I shall not however return to that point today.

Nor shall I speak to you about the current position of the Court, which was the subject of my presentation to the General Assembly yesterday. Despite our Court's sustained activity, there are still 22 cases on its List. We have thus been obliged to request a modest increase in our budget; we thank the Advisory Committee for Administrative and Budgetary Questions (ACABQ) for the understanding it has shown of our position and hope that its report can be quickly approved by the Fifth Committee and by the General Assembly.

The Court handed down several significant Judgments last year: notably, on 16 March 2001 it decided a territorial dispute between Qatar and Bahrain concerning sovereignty over certain islands and the maritime delimitation to be established between the two States.

On that occasion it enlarged upon several points of its jurisprudence on the law of the sea, and I therefore thought it worthwhile to speak to you today concerning the contribution made by our Court to this law.

That contribution is both manifold and of long standing; the International Court of Justice has played, and continues to play, a vital role in this domain, having been seised of a total of some 20 international disputes involving this area. Indeed, it is significant that cases involving the law of the sea were the first contentious matters dealt with by both the Permanent Court of International Justice and the International Court of Justice: namely, the *S.S. 'Wimbledon'* case[1] for the first and the *Corfu Channel* case[2] for the second.

The Court's jurisprudence over that long history has concerned a wide range of areas of that law: freedom of the high seas, rights of passage through straits and through the territorial sea[3], nationality of ships[4], jurisdiction over those ships and their crews[5], fishing rights, etc.

But I shall confine myself today to one question alone: the law governing the delimitation of maritime areas.

Delimitation of those areas was long considered a secondary question, involving the fixing of the boundaries between narrow territorial seas. Extension of State jurisdiction to the high seas and technological developments have made this into one of the main territorial issues of the last 30 years.

From the beginning, two methods were recommended for making these delimitations. Some looked to the 'equidistance method', pursuant to which the maritime boundary between States must follow 'the median line every point of which is equidistant from the nearest points' on the coasts. Others pointed out that, while the equidistance method appeared generally acceptable for the delimitation of the territorial seas between States with opposite coasts which were comparable in length, it could yield inequitable results in other circumstances. They thus advocated maritime delimitations based on equitable principles or producing equitable results. After a long period of development, in which the Court played a leading role, today's law of the sea distinguishes between the delimitation of territorial seas, on the one hand, and of the continental shelf and fishing zones or exclusive economic zones, on the other. However, the Court has now formulated similar rules applicable to both types of cases.

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[1] *P.C.I.J., Series A/B, No. 5*, 1923.

[2] Judgment of 9 April 1949, *I.C.J. Reports 1949*, p. 4.

[3] In respect of the first, see the *Corfu Channel* case, cited above; in respect of the second, see the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), I.C.J. Reports 1986*, p. 14.

[4] Case concerning *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, Advisory Opinion of 8 June 1960, I.C.J. Reports 1960*, p. 150.

[5] *'Lotus', Judgment No. 9, 1927, P.C.I.J., Series A, No. 10.*

The Delimitation of Territorial Seas

The boundary between the territorial sea and the high seas was traditionally fixed at 3 miles from the coast. More often than not, it has now been increased to 12 miles. But which coasts are to be taken into account in fixing this boundary in order to ensure that the subsequent delimitation is appropriate? That is the first problem having confronted the Court.

There are two methods for identifying the starting points of the territorial sea: the normal baseline method and the straight baseline method.

The normal baseline ordinarily used for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

However, the International Court of Justice, in its Judgment of 18 December 1951 in the case concerning *Anglo-Norwegian Fisheries*[1], preferred another method, that of straight baselines, to the traditional one. True, it noted that the method of normal baselines could be applied 'without difficulty to an ordinary coast, which is not too broken'[2]. But it added that where 'a coast is deeply indented and cut into, as is that of Eastern Finnmark, or where it is bordered by an archipelago such as the "skjaergaard" along the western sector of the coast here in question, the base-line becomes independent of the low-water mark, and can only be determined by means of a geometrical construction'[3]. Thus, for those situations the Court adopted the method of straight baselines, which later was to be incorporated into the 1958 Convention on the Territorial Sea and then into Article 7, paragraph 1, of the Montego Bay Convention, providing:

> '1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate

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[1] In the *Anglo-Norwegian Fisheries* case, the Court handed down an oft-quoted, fundamental dictum concerning the fixing of the seaward boundaries of maritime areas:

> 'The delimitation of sea areas has always an international aspect; it cannot be dependent merely upon the will of the coastal State as expressed in its municipal law. Although it is true that the act of delimitation is necessarily a unilateral act, because only the coastal State is competent to undertake it, the validity of the delimitation with regard to other States depends upon international law.' *Fisheries (United Kingdom v. Norway)*, Judgment of 18 December 1951, *I.C.J. Reports 1951*, p. 132.

[2] *Ibid.*, p. 128. Specifically, this comment concerned the *tracé parallèle* method, based on the normal baselines.

[3] *Ibid.*, p. 129.

points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.'

Article 7, paragraph 3, adds:

> 'The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.'

In its Judgment of 16 March 2001 (*Maritime Delimitation and Territorial Questions between Qatar and Bahrain*), the Court had its first opportunity to apply these provisions, which it deemed to be a part of customary law.

Bahrain contended that the various maritime features lying off the eastern coast of its main islands 'may be assimilated to a fringe of islands which constitute a whole with the mainland'. It concluded from this that it was entitled to draw straight baselines connecting these features.

The Court did not agree with Bahrain on this point. While it recognized that the maritime features in question were part of Bahrain's overall geographical configuration, it observed that they were not part of a 'deeply indented' coast, that they could not be characterized as a 'fringe of islands' and that the situation was therefore different from the one analysed in the case of Norway and described in the United Nations Convention on the Law of the Sea. It added that in the case before it the method of straight baselines would have been applicable only if Bahrain had declared itself to be an archipelagic State under the Montego Bay Convention. That, however, was not the case. Bahrain was therefore not entitled to draw straight baselines. As a result, the equidistance line between Bahrain and Qatar which the Court must use – subject to possible subsequent adjustment – in order to fix the maritime boundary between the two States had to be drawn by reference to normal baselines. Bahrain's internal waters were reduced accordingly and the waters lying between the main islands and the Hawar Islands were territorial waters, in which the right of innocent passage was recognized[1].

The judgment rendered in that case goes beyond simply clarifying the rules enabling the external limits of territorial seas to be fixed. It also addresses the question of the delimitation of the territorial waters of neighbouring States.

This question is governed by customary law as codified by the Geneva Conventions and the Montego Bay Convention. Article 15 of the latter lays down the principle that territorial seas must be delimited in accordance with the equidistance method. But it adds that:

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[1] Case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Judgment of 16 March 2001, *I.C.J. Reports 2001*, pp. 103-104 and 109-110, paras. 210-216 and para. 223.

> 'The above provision [on equidistance] does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.'

In actual fact, the delimitation of territorial seas in accordance with this equidistance/special circumstances rule is most often effected through bilateral agreements. For the first time, however, in the case between Qatar and Bahrain, the Court was called upon to rule on such a delimitation and applied the rule of customary law thus enshrined by the United Nations Convention on the Law of the Sea.

It accordingly proceeded in two stages: first, drawing the equidistance line; second, identifying any special circumstances.

As regards the drawing of the equidistance line, the Court, confirming its case law, refused to apply the method of mainland-to-mainland calculation. It identified each of the maritime features having an effect upon the course of the equidistance line and fixed that line by reference to the appropriate baselines and basepoints. To this end, it identified the islands and islets coming within the sovereignty of each of the States.

However, it was faced with a new difficulty, as a result of the presence in the area of low-tide elevations.

You will recall that, under the relevant provisions of the Conventions on the Law of the Sea, which reflect customary international law, 'a low-tide elevation' is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide[1].

According to these provisions, when a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line of that elevation may be used as the baseline for measuring the breadth of the territorial sea. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea, it has no territorial sea of its own.

The case between Qatar and Bahrain, however, raised a particular problem, in so far as certain low-tide elevations were situated in the area where the territorial seas of the two States overlapped. In principle, therefore, each of them had a right to use the low-water line of these low-tide elevations for measuring the breadth of its territorial sea. For the purposes of delimitation, the competing rights of both States appeared to cancel each other out.

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[1] Art. 11, para. 1, of the Convention of 1958 on the Territorial Sea and Contiguous Zone; Art. 13, para. 1, of the 1982 Convention on the Law of the Sea.

Nevertheless, Bahrain contended that it had taken possession of the majority of these low-tide elevations, which accordingly came within its sovereignty, and that it alone was permitted to take them into account for purposes of fixing the equidistance line.

The Court did not accept that argument. It held that the law of the sea distinguished in a number of respects between islands and low-tide elevations and that a State could not acquire sovereignty by appropriation over a low-tide elevation situated within the limits of its territorial sea where the same low-tide elevation was also situated within the limits of the territorial sea of another State[1]. It accordingly concluded that these low-tide elevations could not be used for determining the basepoints and drawing the equidistance line[2].

Once this line has been determined, in accordance with the rules as thus stated, it remains to investigate in each particular case the existence of historic title or other special circumstances. In this respect, the Court held that a disproportionate effect should not be attributed to certain insignificant maritime features[3]. In the past, it had already, for these reasons, discounted any influence of the deserted islet of Filfla on the maritime delimitation to be effected between Libya and Malta[4]. Further, in the instant case, it noted that Qit'at Jaradah was a very small island, uninhabited and totally devoid of vegetation. It did recognize Bahrain's sovereignty over this minute feature, 12 by 4 metres, with an altitude of 0.4 metres at high tide[5], but it considered that there is 'a special circumstance in this case warranting the choice of a delimitation line passing immediately to the east of Qit'at Jaradah'[6] and thus conferring upon it a modest influence only on the delimitation of the territorial seas.

The Delimitation of the Continental Shelf and the Exclusive Economic Zone

As regards the delimitation of the continental shelf and the exclusive economic zone, the Court has also gradually established a case law which is now authoritative, and to which it put the definitive touches in the case between Qatar and Bahrain.

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[1] Case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Judgment of 16 March 2001, *I.C.J. Reports 2001*, pp. 100-103, paras. 200-209.

[2] Conversely, the Court held that in such cases sovereignty over the territorial sea determined sovereignty over low-tide elevations. In other words, the delimitation of territorial waters must be effected without regard to low-tide elevations and each State has sovereignty over the low-tide elevations located in the zone attributed to it. *Ibid.*, p. 103, para. 210.

[3] *Ibid.*, pp. 103-104, para. 215.

[4] Case concerning *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Judgment, *I.C.J. Reports 1985*, p. 43, para. 54.

[5] *I.C.J. Reports 2001*, pp. 99-100, para. 197.

[6] *Ibid.*, pp. 104-109, para. 219.

As you know, in 1969, in the *North Sea Continental Shelf* case, the Court initially inclined towards a delimitation of that shelf in accordance with 'equitable principles, and taking account of all the relevant circumstances'[1]. Next, in the case between Tunisia and Libya concerning a similar delimitation, it recalled that the delimitation must be achieved on the basis of equitable principles[2]. The same approach was adopted in the *Gulf of Maine* case[3]. These decisions were not without influence on the solution adopted by the Conference on the Law of the Sea. Thus, the Montego Bay Convention, in Articles 74 and 83, provides for 'States to effect delimitation by agreement on the basis of international law . . . in order to achieve an equitable solution'.

At this stage, case law and treaty law had become so unpredictable that there was extensive debate within the doctrine on whether there still existed a law of delimitations or whether, in the name of equity, we were not ending up with arbitrary solutions. Sensitive to these criticisms, in subsequent years the Court proceeded to develop its case law in the direction of greater certainty.

That development was begun in the *Continental Shelf* case between the Libyan Arab Jamahiriya and Malta, in which the Court took the equidistance line as the point of departure for delimitation and moved it northwards, having regard to the equitable principles to be applied in the case, namely, the general configuration of the coasts and their different lengths. Thus, equidistance was reinstated as a provisional line open to possible correction in order to achieve an equitable result[4].

A new stage was then reached with the Judgment delivered on 14 June 1993 in the case between Denmark and Norway concerning the maritime delimitation in the area between Greenland and Jan Mayen.

In that case, the delimitation of the continental shelf fell to be effected in accordance with the 1958 Geneva Convention (equidistance/special circumstances), whereas the fishing zones were to be effected in accordance with customary law (equitable solution, having regard to relevant factors). The Court stressed that, in both cases, an equitable result must be reached. It added that, as regards the fishing zones, delimitation had to proceed on the basis of equitable principles. In order to achieve this, it held that it was appropriate to start from the equidistance line, subsequently making all the necessary corrections to it, having regard to the relevant factors. Finally, it stated that these factors were comparable to the special circumstances envisaged by the 1958 Convention. On that basis, the Court, with a view in particular to taking account of the length of the coasts of both parties and of the zone's fishery resources, arrived at a single delimitation line for the continental shelf and the fishing zone and drew this line to the east of the median line.

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[1] Case concerning the *North Sea Continental Shelf (Federal Republic of Germany v. Denmark and the Netherlands)*, Judgment of 20 February 1969, *I.C.J. Reports 1969*, p. 53, para. 101.

[2] Case concerning *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, Judgment of 24 February 1982, *I.C.J. Reports 1982*, p. 4.

[3] Case concerning the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*, Judgment of 12 October 1984, *I.C.J. Reports 1984*, p. 300, para. 112.

[4] Case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Judgment of 3 June 1985, *I.C.J. Reports 1985*, p. 13.

Thus, the law on maritime delimitations was completely reunified. Whether it be for the territorial sea, the continental shelf or the fishing zone, it is an equitable result that must be achieved. Such a result may be achieved by first identifying the equidistance line, then correcting that line to take into account special circumstances or relevant factors, which are both essentially geographical in nature.

This solution of principle, arrived at in the case concerning Jan Mayen/Greenland, was applicable thenceforth with regard to the delimitation of the continental shelf and the fishing zones of States with opposite coasts. It remained to be seen whether the same applied in the case of adjacent coasts.

The Court ruled affirmatively on the matter in the case between Qatar and Bahrain. In that case, the parties had conferred on the Court the task of drawing a single maritime line simultaneously dividing both the continental shelf and the exclusive economic zone. In order to do so, but on this occasion dealing with adjacent rather than opposite coasts, the Court again decided that an equidistance line should first be provisionally drawn, consideration then being given as to whether there were relevant circumstances leading to an adjustment of that line[1].

In the event, it ruled out a number of circumstances invoked by the parties and retained one only, concerning a maritime feature known as Fasht al Jarim, which constituted a 'projection of Bahrain's coastline in the Gulf area, which, if given full effect, would distort the boundary and have disproportionate effects'. 'In the view of the Court, such a distortion, due to a maritime feature located well out to sea and of which at most a minute part is above water at high tide, would not lead to an equitable solution which would be in accord with all other relevant factors.' Consequently, 'in the circumstances of the case considerations of equity require that Fasht al Jarim should have no effect in determining the boundary line'[2].

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[1] Case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Judgment of 16 March 2001, *I.C.J. Reports 2001*, p. 111, para. 230.

[2] *Ibid.*, pp. 114-115, paras. 247-249.

We are all aware that international law is constantly developing, and the law of the sea is not immune in this regard.

However, it is encouraging to note that the law of maritime delimitations, by means of these developments in the Court's case law, has reached a new level of unity and certainty, whilst conserving the necessary flexibility.

Thus, the Court declared in its recent Judgment: 'the equidistance/special circumstances rule' applicable to the delimitation of the territorial sea and 'the equitable principles/relevant circumstances rule, as it has been developed since 1958 in case law and State practice with regard to the delimitation of the continental shelf and the exclusive economic zone, are closely interrelated'[1].

In all cases, the Court, as States also do, must first determine provisionally the equidistance line. It must then ask itself whether there are special or relevant circumstances requiring this line to be adjusted with a view to achieving equitable results.

The legal rule is now clear. However, each case nonetheless remains an individual one, in which the different circumstances invoked by the parties must be weighed with care.

As a result of these developments, the Court has, in my opinion, managed to reconcile law and equity. In the case between Qatar and Bahrain, the parties thanked us for achieving this and that was most welcome to us.

The Court still has before it other cases of the same type, notably between Cameroon and Nigeria and between Honduras and Nicaragua. The international community may rest assured that those cases will be adjudicated in the same spirit.

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[1] Case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Judgment of 16 March 2001, *I.C.J. Reports 2001*, p. 111, para. 231."

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The President of the Court also addressed the Security Council, at a private session, on the relations between the Court and the Council.

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. GENERAL

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

An analytical index is published for each year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one or two volumes.

Fifty-five bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. The latest is the volume for 2000. (The *I.C.J. Reports 1965, 1967, 1968, 1977, 1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 331-344, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see pp. 191-192.

[2] See Chap. V, p. 198, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 348-356, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contained the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further included certain resolutions concerning States entitled to appear before the Court. It was published in July 1978, in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

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[1] See Chap. V, pp. 194 and 203, above.

[2] *Ibid.*, pp. 195-196, above.

[3] *Ibid.*, pp. 196-197, above.

(d) *Yearbook*

Each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the fifty-sixth in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 37 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(e) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 49 (year 1995).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7*: 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35*: 81: 150 as from 1981.

2. *Dissemination of the Publications of the International Court of Justice*

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales and Marketing Sections of the United Nations Secretariat:

United Nations, Room DC2-853, 2 United Nations Plaza,
New York, NY 10017, United States of America.
Tel.: 1-212-963 8302; Fax: 1-212-963 3489
E-mail: publications@un.org
or
United Nations, Room E-6, Palais des Nations,
8-14 avenue de la Paix, 1211 Geneva 10, Switzerland.
Tel.: 41-22-917 2614; Fax: 41-22-917 0027
E-mail: unpubli@unog.ch

They may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. Publications of the Permanent Court of International Justice

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

II. OFFICIAL CITATION OF JUDGMENTS, ADVISORY OPINIONS AND ORDERS

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order. Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

1922

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, Advisory Opinion, 1922, P.C.I.J., Series B, No. 1.

Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, Advisory Opinion, 1922, P.C.I.J., Series B, No. 2.

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, Advisory Opinion, 1922, P.C.I.J., Series B, No. 3.

1923

Nationality Decrees Issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

S.S. "Wimbledon", Judgments, 1923, P.C.I.J., Series A, No. 1.

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III. ABBREVIATED REFERENCES TO PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

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For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

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CHAPTER VIII

FINANCES OF THE COURT

I. FINANCIAL REGULATIONS

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 (*j*), of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 102-104, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 55/5 B, of 23 December 2000, the General Assembly fixed for the years 2001, 2002 and 2003 the following proportion: Switzerland 1.274%.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, p. 325, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Finance Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and/or by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. *Salaries and Expenses of Judges*

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985, resolution 43/217 of 21 December 1988, resolution 45/250 of 21 December 1990, resolution 48/252 of 26 May 1994, resolution 50/216 of 23 December 1995 and resolution 53/214 of 18 December 1998.

The emoluments of Members of the Court are made up of an annual salary which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5). With effect from 1 January 1999, the General Assembly (resolution 53/214) has fixed the emoluments of Members of the Court at US$160,000. The General Assembly further decided that the emoluments and other conditions of service shall be reviewed every three years with the next review at its fifty-sixth session.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees. With effect from 1 January 1999, the daily fee of *ad hoc* judges has been fixed at US$438, being 1/365th of US$160,000.

The emoluments of the judges are thus as set out on the following scale:

	US$
President:	
Annual salary	160,000
Special allowance	15,000
Vice-President:	
Annual salary	160,000
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of	9,400
Other Members:	
Annual salary	160,000
Judges ad hoc:	
Fee of US$438 for each day on which they exercise their functions.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December

1983, resolution 40/257 of 18 December 1985, resolution 45/250 of 21 December 1990 and resolution 53/214 of 18 December 1998.

According to the regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life.

With effect from 1 January 1999 (resolution 53/214), if a Member of the Court has served a full term of nine years, the amount of the annual pension shall be US$60,000 in 1999, US$70,000 in 2000 and thereafter one-half of the annual salary. Members of the Court who were in office or elected on or before 1 January 1999, and who have served for more than nine years shall be entitled to a maximum pension of two-thirds of his or her annual salary. The retirement pension is reduced if he or she has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary. By its resolution 53/214 of 18 December 1998, the General Assembly decided that pensions in payment shall be automatically revised by the same percentage and at the same date as salary adjustments.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

> "*The General Assembly*,
>
> *Recalling* its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,
>
> *Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,
>
> 1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The

Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;

3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 2001, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US$17,584.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. Salaries, Allowances and Expenses of the Registrar and Officials of the Registry

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 3/+1.1 as at 1 July 2002. For temporary staff the subsistence allowance is fixed at 232 euros a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. Common Services

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 182, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 914,442 euros as from 1 January 2001 and to 941,875 euros as from 1 January 2002.

II. BUDGET FOR THE BIENNIUM 2002-2003

1. Ordinary Expenses

The Budget of the Court for the biennium 2002-2003, which forms Part III, Section 7, of the Budget of the United Nations, was adopted by the General Assembly on 24 December 2001 (resolution 56/254).

PROGRAMME UN-N-08-181. MEMBERS OF THE COURT	US$	US$
Salaries and allowances	4,849,400	
Pensions	2,536,600	
Travelling expenses	406,400	
Education grants	129,600	
		7,922,000
PROGRAMME UN-N-08-182. THE REGISTRY		
Salaries – established posts	6,211,900	
Salaries – temporary posts	1,421,700	
Common staff costs	2,624,700	
Salaries and travel costs of temporary assistance	1,959,500	
Consultants	22,200	
Travelling on official business	40,600	
Overtime	89,700	
Representation allowance	7,200	
Hospitality	13,400	
		12,390,900
PROGRAMME UN-N-08-800. COMMON SERVICES		
Contribution to the Carnegie Foundation	1,600,600	
General operating expenses	429,600	
Contractual printing	446,400	
Contracts – external translation	182,900	
Data processing services	179,400	
Supplies and materials	205,600	
Library	96,800	
Furniture and equipment	147,000	
Miscellaneous expenses	16,100	
Acquisition/replacement office automation equipment	199,500	
Transportation equipment	20,500	
		3,524,400
		23,837,300

2. Unforeseen and Extraordinary Expenses

On 24 December 2001 the General Assembly, in accordance with previous practice, adopted resolution 56/256, containing the following provisions:

> "*The General Assembly*
>
> 1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 2002-2003 to meet unforeseen and extraordinary

expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

. . . .

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of *ad hoc* judges (Statute of the International Court of Justice, Article 31), not exceeding a total of $330,000;
(ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of $50,000;
(iii) The maintenance in office for completion of the cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of $40,000;
(iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7) not exceeding a total of $410,000;
(v) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of $25,000."

III. ACCOUNTS FOR THE BIENNIUM 2000-2001

1. Budget Accounts

The Court's accounts are presented in the *I.C.J. Yearbook* in relation to the biennial period concerned and not on the basis of the single financial year.

The table on page 365 gives a summary of the budget accounts for the biennium 2000-2001.

2. Audit of Accounts

The accounts were audited by the competent authorities from 26 February to 2 March 2001, from 26 to 30 November 2001 and from 21 to 25 January 2002.

BUDGET ACCOUNTS FOR THE BIENNIUM 2000-2001

	Appropriation after modifications and transfers US$		*Expenditure* US$	
PROGRAMME UN-N-08-181. MEMBERS OF THE COURT				
Salaries and allowances	4,582,700		4,575,326	
Pensions	2,448,900		2,459,229	
Travelling expenses	266,100		273,659	
Education grants	48,400		44,094	
		7,346,100		7,352,308
PROGRAMME UN-N-08-182. THE REGISTRY				
Salaries — established posts	5,206,500		5,203,089	
Salaries — temporary posts	860,800		867,888	
Common staff costs	2,469,100		2,478,230	
Salaries and travel costs of temporary assistance	1,470,800		1,466,075	
Consultants	31,900		24,268	
Travelling on official business	51,400		50,436	
Overtime	99,600		99,600	
Representation allowance	7,200		7,200	
Hospitality	11,600		12,021	
		10,208,900		10,208,807
PROGRAMME UN-N-08-800. COMMON SERVICES				
Contribution to the Carnegie Foundation	1,634,300		1,629,546	
General operating expenses	412,200		395,912	
Contractual printing	387,900		566,887	
Contracts — external translation	808,000		618,526	
Data processing services	43,500		45,654	
Supplies and materials	157,300		150,427	
Library	90,400		98,123	
Furniture and equipment	146,400		130,473	
Miscellaneous expenses	20,900		21,193	
Acquisition/replacement office automation equipment	225,700		223,772	
		3,926,600		3,880,513
		21,481,600		21,441,628

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